

# CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

## PLAN COMMISSION

MEETING DATE: 4/24/2023

Case Number & Name:	PC 2023-07: 331-335 South Miller Street; Rezone			
Petitioner's Name:	Frank Sundvall			
Owner's Name:	Frank Sundvall			
Petitioner's Representative:	Frank Sundvall			
Address of Property:	331-335 South Miller Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	Current: R1 – Single-family Residential Proposed: R2 – Two-family Residential			
Comprehensive Future Land use:	Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	R2 – Two-family Residential	RM – Multiple-family Residential	BG – Business General
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	BN – Business Neighborhood	Single-family Residential
History:	The petitioner is proposing to rezone a R1 – Single-family residential property to R2 – Two-family Residential. The property has historically been used as two apartments: it has two separate addresses of 331 and 335 South Miller and is equipped with two electric meter bases			
Vicinity Map:				
Action Requested:	A formal request to rezone from R1 – Single-family Residential to a R2 – Two-family Residential district.			

1. The petition request is to rezone the 0.15-acre property located at the north-west corner of South Miller Street and Taylor Street from R1 – Single-family Residential to R2 – Two-family Residential. The neighborhood is currently a mix of the UDO’s residential districts including R1 – Single-family residential, R2 – Two-family residential and RM – Multiple Family residential as well as BN – Business Neighborhood. The property has previously operated as two (2) apartments, but has sat vacant for a number of years. Under the UDO’s legal non-conforming use provisions “if a legal nonconforming use is abandoned or is discontinued for one (1) year or more, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.” The petitioner would like to maintain the property as two (2) apartments and bring it into conformity by getting it zoned appropriately.
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 applicant provided the following response to the 1<sup>st</sup> decision criteria: *“I would like to use said property as a double as it has been in the past.”*

The planning staff has determined that the proposed zoning classification of R2 – Two-family Residential is consistent with the City’s Comprehensive Plan and reflected in the following Objectives and Action Steps:

Built Environment:

Objective 2: Guide healthy development patterns using future land use mapping.

Action 2: Utilize the Future Land Use Map as a living, breathing document to guide future development decisions.

Action 3: Target mixed-use flexibility for gateway development.

Objective 3: Transform Shelbyville’s Current Housing Stock and Neighborhoods.

Objective 5: Promote Development and Redevelopment of Existing Sites and Buildings.

**b. Current Conditions:**

The applicant provided the following response to the 2<sup>nd</sup> decision criteria: *“The property has been used as a double for as long as I can remember.”*

The planning staff has determined the proposed zoning classification of R2 – Two-family Residential is consistent with the current conditions of the surrounding neighborhood. The neighborhood is currently comprised of a mix of uses – single family residential, business general, multiple-family residential light industrial and two-family residential. Immediately behind the subject parcel is another property that is zoned R2 – Two-family Residential. The requested R2 – Two-family Residential zoning is an appropriate zoning classification for the subject property to blend with the surrounding uses.

**c. Desired Use:**

The applicant provided the following response to the 3<sup>rd</sup> decision criteria: *“To rezone so I can continue using the property as a double.”*

The planning staff has determined the proposed zoning classification of R2 – Two-family is consistent with the desired use of the subject parcel. The subject parcel is surrounded by a mix of residential uses including R1 – Single-family Residential, R2 – Two-family Residential and RM – Multiple-family Residential. The change in zoning will not alter the desired use in this part of the city.

**d. Property Values:**

The applicant provided the following response to the 4<sup>th</sup> decision criteria: *“The double will be valued per the properties in the vicinity.”*

The planning staff has determined the proposed zoning classification of R2 – Two-family Residential should not have an adverse impact on surrounding property values or property values in general throughout the City. The property was operated as a two-family residential unit before it became vacant several years ago. Rezoning the property to R2 – Two-family Residential will return the property to the tax rolls and be the highest and best use of the property. This will have the effect of stabilizing property values in the area as improvements are made to the property.

**e. Responsible Growth:**

The applicant provided the following response to the 5<sup>th</sup> decision criteria: *“I will upkeep the property as I have upkeep my other rentals.”*

The planning staff has determined the proposed zoning classification of R2 – Two-family Residential allows for responsible growth and development in the area. The subject property is surrounded by other residentially zoned properties; roads and utilities are all in place to service the proposed two-family development. There is no additional public infrastructure required to support the change in zoning classification or the properties in the area.

**STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from R1 – Single family Residential to R2 – Two-family Residential.**

## Rezone (Zoning Map Amendment): PC 2023-07: 331-335 South Miller 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 R2 – Two-family Residential, 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: \_\_\_\_\_  
Chairperson/Presiding Officer

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



## REZONING APPLICATION

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

### For Office Use Only:

Case #: PC 2023-06

Hearing Date: 04.24.23

Fees Paid: \$ 510.00

Final Decision:

Approved

Denied

### 1.

#### Applicant

Name: Frank L. Sundvall

Address: 331-335 S. Miller St

Shelbyville, IN 46176

Phone Number: [REDACTED]

Fax Number: [REDACTED]

Email: [REDACTED]

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

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

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

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

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

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

### 2.

#### Applicant's Attorney/Representative

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

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

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

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

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

#### Project Engineer

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

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

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

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

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

### 3. Project Information:

General Location of Property (and address is applicable): 331-335 S. Miller St Shelbyville, IN 46176

Current Zoning: R-1

Proposed Zoning: R-2

Existing Use of Property: apartments

Proposed Use: rentals

### 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

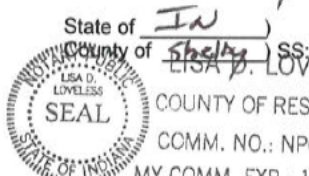
☐ Application Fee

☐ Legal Description

☐ Findings of Fact

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

Applicant: [Signature] Date: 3-1-23



Subscribed and sworn to before me this 2nd day of February, 2023

Lisa D. Loveless, Notary Public

COMM. NO.: NP0723199

MY COMM. EXP.: 10-24-2027

Residing in Shelby County.

My Commission Expires: 10-24-27





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

Petitioner's Name: Frank L. Sundvall  
Location: 331 - 335 S. Miller St Shelbyville IN 46176  
Variance for: R-1 to R-2

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.

to use said property as a double as it has been  
in the past

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

the double has been used as a double for as  
long as I can remember

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

to rezone so I can continue using said  
property as a double

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

the double will be valued per property's  
in vicinity

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

upkeep on this property as I have upkeep all  
my other rentals

**AFFIDAVIT & CONSENT OF PROPERTY OWNER**  
**APPLICATION TO THE SHELBYVILLE PLAN COMMISSION**

STATE OF IN  
COUNTY OF Shelby ) SS:

I, Frank L. Sundvall, AFTER BEING DULY SWORN, DEPOSE AND SAY THE  
(Name of property owner)  
FOLLOWING:

1. That I am the owner of real estate located at 331- 335 S. Miller;  
(Address of subject property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:  
Frank L. Sundvall  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.

Frank L. Sundvall  
Owner's Name (Please Print)  
[Signature]  
Owner's Signature

Subscribed and sworn to before me this 2nd day of February, 2023

Lisa D. Loveless  
Notary Public

Lisa D. Loveless  
Printed

Residing in Shelby County

My Commission expires 10-24-27



LISA D. LOVELESS  
COUNTY OF RES.: SHELBY  
COMM. NO.: NP0723199  
MY COMM. EXP.: 10-24-2027