

# **CASE SUMMARY**

## *Three Development Standard Variances*

**Case:** 2025-2251  
Misty Ellis & Kevin Cominsky, Petitioner's

**Request:** Seeking a development standards variance from Section 4.02 to allow an accessory structure prior to a principal

**Location:** 74 Morgan Street, Morgan's Addition, Pt Lot 9, Lot 8 & Lot 7

**Zoning:** Residential Urban (RU)

### **Staff Summary:**

The petitioners are seeking to construct an accessory structure on a lot they own in Morgan's Addition. Under the Unified Development Ordinance, an accessory structure cannot be built prior to the principal structure; therefore, a variance from this standard is being requested. The petitioners reside on the adjacent lot and require additional space for vehicle storage and related needs. A garage currently exists on this lot, which appears to have been built at the same time as the residence on the adjoining property. The petitioners initially explored placing the proposed garage across the shared lot lines of both properties but found it unfeasible, as it would place the structure too close to the residence.

Staff has not received any inquiries from adjacent property owners following the required public notice.

Staff does not oppose the petitioners' request to construct an accessory building prior to a principal structure, without imposing a time limit for construction of a residence. Due to lot coverage and setback constraints, the property is not well-suited for an additional structure. However, the garage could potentially be converted into a residence in the future, provided all setback requirements are met, as this is a buildable lot.

### **BZA options include the following:**

- Approve the variance requests
- Deny the variance requests
- Approve the variance requests with conditions



Date of Hearing: 9-17-25 App No. 2025-2251 Fee: \$ 350.00  
BZA Action: \_\_\_\_\_ Received by: LT

Permit # 2025-2251

**APPLICATION FOR APPROVAL** (Check all that apply)

☐ Appeal ☐ Special Exception ☐ Use Variance ☒ Development Standard Variance



\* Please fill out the form in its entirety

Applicant (s) MISTY ELLIS and KEVIN COMINSKY

Address (s) 74 MORGAN STREET DANVILLE, IN

Phone (s) 907 230 1366 / 907 351 5974 Email (s) mistyak2@hotmail.com

Owners (s) MISTY ELLIS

Address (s) 74 MORGAN STREET DANVILLE, IN

Phone (s) 907 230 1366 Email (s) mistyak2@hotmail.com

Owners' Representative (Subdivider, if any) and /or Registered Engineer or Land Surveyor: \_\_\_\_\_

Address (s) \_\_\_\_\_

Phone (s) \_\_\_\_\_ Email (s) \_\_\_\_\_

Address of Subject Property: 74 MORGAN STREET DANVILLE, IN

Area (in acres): \_\_\_\_\_ Number of Lots: 3

Parcel ID#: 17-1-04-51W-472-002 Current Zoning District: Ru.

Requested Action From The Danville BZA: Construct accessory prior to principal - UDO Sec. 4.02

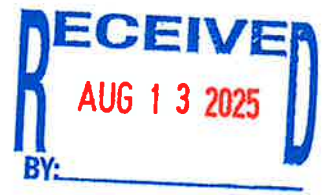
The undersigned certifies that the above information is true and correct to the best of his (her) knowledge.

Misty Ellis  
Signature of Owner/Applicant (s)

OWNER  
Title of Applicant (s)

Letter of Intent

Aug. 13, 2025



To whom it may concern,

We, Misty Ellis and Kevin Cominsky are writing this letter to state intent of constructing a garage on a lot prior to principal of structure. The lot already has a small structure on it, we want to build one that can house both of our vehicles. Our neighbors all have similar garages to the type we would like to build so it will coincide with the neighborhood. Set backs have been met and given the historical age of the home we feel this location would best suit the lot.

Sincerely,

Misty Ellis and Kevin Cominsky

CLINTON Center

RECEIVED  
AUG 13 2025  
BY:

Lot line

40 ft

Existing Garage

Driveway

SETBACK

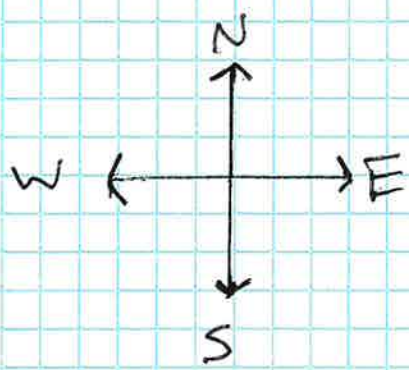
25 ft

NEW Garage

25 ft

15 ft

SET BACK



Lot line

MORGAN

DECK

House  
74 MORGAN



Misty Ellis & Kevin Cominsky  
Development Standards Variance





**FINDINGS OF FACT**  
**DEVELOPMENT STANDARD VARIANCE**



**Address-** 74 Morgan Street Danville

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because: The garage that we want to build coincides with other neighbors garages.
2. The use and value of the area adjacent to the property included in the variance, will not be affected in a substantially adverse manner because: We feel the garage will blend in nicely with the neighborhood as it is similar to others. Also all set backs have been met for placement of structure.
3. The strict application of the terms of the zoning coordinate will constitute an unnecessary hardship if applied to the property for which the variance is sought because : Due to historical age and character of home it would not be appealing to have garage attached. Also, the elevation next to Home is quite elevated and would be challenging to work with given any old clay pipes. Lastly, there is an existing small garage present with road access that would be easier to tie into with new garage and not have to build a new driveway.

**BOARD OF ZONING APPEALS  
DANVILLE, INDIANA**

**ACTION ON PETITION FOR A VARIANCE  
FROM DEVELOPMENT STANDARDS**

MOTION

I move that we **approve / deny** the variance sought by Misty Ellis & Kevin Cominsky, petitioner in BZA petition 2025-2251 to allow an accessory structure prior to a principal use on a parcel. This petition has **satisfied / not satisfied** the requirements for variances under state law for the following reasons:

1. The approval **will / will not** be injurious to the public health, safety, morals, and general welfare of the community
  - a) **for the reason(s) stated in the staff report;**
  - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
  - c) **because:** \_\_\_\_\_
  
2. The use and value of the area adjacent to the property included in the variance **will / will not** be affected in a substantially adverse manner
  - a) **for the reason(s) stated in the staff report;**
  - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
  - c) **because:** \_\_\_\_\_
  
3. The strict application of the terms of the Zoning Ordinance **will / will not** result in practical difficulties in the use of the property
  - a) **for the reason(s) stated in the staff report;**
  - b) **for the reason(s) stated in Petitioner's proposed findings of fact; and/or**
  - c) **because:** \_\_\_\_\_

[note #1: An adverse finding on any one of the above requires Board denial of the variance.]

[note #2: None of the words in bold italics should be used if the motion is to approve a variance.]

And, I move that this approval be made subject to the following conditions:

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[note #3: If the majority votes against a motion to approve a variance, a subsequent motion should be made for findings of fact to reflect that the Petitioner did not establish the three requirements of state law to have been met. This motion should indicate which requirement(s) were not met or cite reasons stated in the staff report, if the staff recommendation was against approval.]

### DECISION

(After a second is made to the motion and a vote is taken, the presiding officer makes the following announcement): “It is therefore the decision of this body that this variance petition is **approved / denied** (and if conditions have been imposed)...**subject to the conditions made a part the adopted motion.**”