



TOWN OF Edinburgh

Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124

Wade D. Watson

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BZA STAFF REPORT

To: BOARD OF ZONING APPEALS MEMBERS
From: Wade D. Watson
Date: June 1, 2016
Re: **CASE BZA 2016 -02, VARIANCE FROM DEVELOPMENTAL STANDARDS**

GENERAL INFORMATION:

Applicant: ALLEN & DONNA RUSSELL
301 N KYLE STREET
EDINBURGH, IN 46124

Agent: None

Property Address: 301 N Kyle Street, Edinburgh, IN 46124

Property Owner: Same

Property Number: 41-12-34-021-102.001-002

Legal Description: *Lot Number Six (6) in Valentines Addition to the Town of Edinburgh, as recorded in Plat Book 2, Page 68, in the office of the Recorder of Johnson County, Indiana.*

Acreage: 0.1846 acre (8,398 Square Ft.)

Lot Size: 60' X 140'

Zoning: R 4 Medium Density Residential

Land Use: Residential Single Family Dwelling Platted Lot

FEMA Flood Plain: Subject Property does not exist in a designated flood area

SURROUNDING ZONING:

North: R 4:
South: R 4:
East: R 4:
West: OI:

SURROUNDING LAND USE:

Medium Density Residential
Medium Density Residential
Medium Density Residential
Open Industrial

REQUEST:

Case BZA 2016-02 Allen & Donna Russell. The petitioner has requested a variance from Developmental Standards of Division 11, Article 156.037 of the Town of Edinburgh Zoning Ordinance to allow the construction of a covered porch to be located within an area less than the minimum Front Yard Setback requirements established in Table 2 Districts Standards.

PUBLIC NOTIFICATIONS:

Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Zoning Board of Appeals Application Packet for Variance/Special Exception.

PURPOSE OF STANDARDS:

The purpose for the establishment of the six districts designated for residential use, ("R1", "R2", "R3", "R4", "R5", and "R6") is to create an attractive, stable, and orderly residential environment. The only uses permitted in these districts are those which would not detract from the residential character of the neighborhood. Each district has established density standards, dwelling types and the lot and yard requirements to provide for the various housing needs and desires for citizens.

CASE CONSIDERATIONS:

1. Division 2 Section 156.036 establishes the minimum front yard setback requirement for properties in districts zoned R4 to be a minimum twenty-five (25) feet.
2. The residential structure on this property currently exists approximately twenty-five (25) feet from the east curb of N Kyle Street. However based on a review of the Johnson County GIS System, it appears that the structure exists less than twenty (20) feet from the actual property line, thus the existing structure may not comply with the minimum front yard setback requirement as specified in §156.036. If this were true, the existing structure would be considered a permitted non-conforming structure.
3. The petitioner is requesting a variance to construct a five (5) foot by five (5) foot covered porch on the west side of the subject property that would place the structure approximately fifteen (15) feet from the lot property line and approximately twenty (20) feet from the curb.
4. Most of the homes in this area were built prior to the current zoning standards thus most are not compliant with the current front yard setback requirement.
5. The structure on the west side of N Kyle Street is an industrial building and exists having an approximate twelve (12) foot set back from the right-of-way.

CRITERIA FOR DECISIONS:

(The petitioner will need to address the Criteria for Decisions in their presentation**)** In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

1. **General Welfare: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

STAFF FINDINGS:

The approval of this variance will not be injurious to the public health, safety or general welfare.

2. **Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

STAFF FINDINGS:

Adjacent properties to the subject property will not be affected in a substantially adverse manner.

3. **Practical Difficulty: The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. (This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.)**

STAFF FINDINGS:

The strict application of the ordinance will not result in a practical difficulty in the use of this property. (The petitioner should explain how the strict application of these ordinances results in a practical difficulty in the use of the property.)

STAFF RECOMMENDATION

Based on these investigation findings, staff recommends **APPROVAL** of the petition subject to the following conditions:

1. That prior to the commencement of construction, property owner shall obtain all required improvement permits from the office of the Building Commissioner and subject to the appropriate inspections.
2. The structure shall be compliant with International Residential Building Codes adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances.

Respectively Submitted,



Wade D. Watson, Town Manager

Town of Edinburgh, Indiana