

**PLANNING COMMISSION**

TOWN OF EDINBURGH  
107 S. HOLLAND ST.  
EDINBURGH, IN 46124

**STAFF REPORT**

PC 2022 – 01  
APRIL 19, 2022

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**CASE NUMBER: PC 2022-01**

**CASE NAME: MR. JOEY L. RUSSELL – ACCESSORY STRUCTURE**

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**GENERAL INFORMATION**

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Applicant & Property Owner: Joey Russell  
506 W Center Cross Street (SR 252)  
Edinburgh, IN 46124  
(812) 341-5775

**SUBJECT PROPERTY:**

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Address: 506 W Center Cross Street, Edinburgh, IN 46124

Acreage: 1.496 Acres (Approximately 100' x 675')

Zoning District: LB- Local Business & Highway Corridor Overlay

Current Land Use: Residential

Parcel Numbers: 41-12-33-014-002.000-002

Brief Tax Description: E NE S33 T11 R5

FEMA Flood Plain: Part of the Subject Property exists within a designated flood area

**SURROUNDING ZONING:**

**SURROUNDING LAND USE:**

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North: FP- Floodplain	Vacant Land
South: LB- Local Business	Residential & House of Worship
East: LB- Local Business	Commercial
West: LB- Local Business	Commercial

**DOCUMENTATION REQUIREMENTS, LEGAL AND PUBLIC NOTIFICATIONS**

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Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Plan Commission Application Packet.

## CASE DESCRIPTION

This case comes before the Plan Commission as established in Division 3, §156.132 which requires approval by the Plan Commission prior to “(2) the issuance of any improvement location permit: (3) the erection, construction or structural alteration of any building(s) in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts”.

The board is to consider a petition by Mr. Russell to construct a twenty-four (24) foot by thirty-two (32) foot accessory structure having ten (10) foot side walls, within the Highway Corridor Overlay District on property zoned as Local Business, and being used for single-family residential. Petitioner is requesting to waive requirements of the Town of Edinburgh Zoning Ordinance Title XV; Division 2, §156.037; Division 3, §156.133 and Division 11, §156.271 to allow the size of the accessory structure to exceed the established standard and to be constructed using metal exterior siding.



## CONSIDERATIONS

Plan Commission should review the following criteria when considering this petition prior to issuing approval for the development of this site.

1. **§156.130** Establishes the Purpose, Intent and Significance of the approval process by the Plan Commission.
  - a. **Statement of Purpose** – “It is the purpose of this ordinance to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.”
  - b. **Statement of Intent** – “These standards are intended to promote high quality creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the overlay zone. These standards are further

intended to preserve and enhance property values and to promote the public health, safety, and welfare by providing for consistent and coordinated treatment of the property encompassed by the U.S. 31 and S.R. 252 Corridor Zone Districts.”

- c. **Statement of Significance** – “The U.S. 31 and S.R. 252 corridors form the physical and visual gateways to the Town of Edinburgh and are expected to experience increasing pressure for commercial development in the future. Future development of these highly visible corridors will dramatically change the image of Edinburgh. The visibility and accessibility of the land within the corridors is unique and therefore, commands the highest standards of development which: stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within the corridors.”
2. **§156.131** Establishes the boundaries of the Overlay District to be the area within six-hundred (600) feet on each side of the designated highways as measured from the centerline of the right-of-way.
  3. **§156.133(2)** Establishes the following Architectural Design Requirements for development within the Overlay District:
    - a) “Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in this Overlay Zone which abut or are adjacent to U.S. 31 and S.R. 252. Exceptions to this requirement may be permitted on a case-by-case basis by the Edinburgh Plan Commission or its duly appointed or designated representative.”
    - b) “Building facades may be constructed from masonry or glass, as defined below or other materials or products which provide the same desired stability and quality. Products other than those listed below must be approved by the Edinburgh Plan Commission or its duly appointed or designated representative.”
 

“1) MASONRY CONSTRUCTION: Which shall include all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Edinburgh Plan Commission or it’s duly appointed or designated representative.”

“(a) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.”
  4. **§156.271** Establishes the definition of a “PRIVATE GARAGE” as: “An accessory building with capacity for not more than two (2) motor vehicles per family, provided that said accessory building shall be no larger than 24-feet by 30-feet with 9-foot sidewalls.”

Petitioner is seeking a variance to construct a twenty-four (24') foot by thirty-two (32') foot with ten (10') foot side walls

5. **§156.171** Establishes regulations for Non-Conforming Uses of Land and Structures, stating: "If a lawful use of land, a structure, or of a structure and land in combination, exists at the effective date of the adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Article, that use may be continued subject to the following provisions:

(1) "No existing land or structure devoted to a use not permitted by this Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the land or structure to a use permitted in the district in which it is located, except as permitted by the Board of Zoning Appeals."

## **STAFF ANALYSIS**

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1. The best available information indicates that this property has been occupied by the same family for several decades and has been used for a residential dwelling for as long as anyone can remember.
2. The anticipated purpose of this accessory structure will be for personal use and personal vehicle storage by the property owner.
3. The proposed structure is planned for an area of the property which exists outside of the designated floodplain.
4. The costs associated with requiring the exterior walls of the accessory structure to be constructed from masonry as defined in §156.133 (2) subpart (b) would significantly increase the construction costs of the project.
5. §156.133 (2) subpart (a) makes provision for the Plan Commission to waive the prohibition of exterior metal walls within the Overlay District.
6. The proposed use of metal walls is consistent with what has been allowed for exterior applications on other buildings within the Overlay District.
7. Direct visibility of this proposed structure from S.R. 252 will be blocked by vegetation and the residential dwelling on this property, rendering it only marginally visible (if at all) from the highway.

## STAFF RECOMMENDATIONS

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Based on the case investigation, staff recommends approval of this request as submitted with the following conditions:

1. That this decision is only granted to this Petitioner, and any waiver of requirements not be transferable to any other property owner(s) not directly associated with this petition;
2. That this decision is null and void should the Petitioner fail to develop the project within two (2) years of the date of the Plan Commission Findings of Fact;
3. That no part of this proposed structure be constructed within the area of the property designated as the regulatory floodplain or the Special Flood Hazard Area;
4. That the structure be compliant with all applicable Building Codes adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances and,
5. That prior to commencement of any construction at the subject parcel, the Petitioner submit construction plans to the Town Building Official for review/approval and new permit issuance(s) by the Planning Department as applicable.

Respectfully Submitted,



Wade Watson  
Town of Edinburgh Planning Director