



# Town of Edinburgh

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

Wade D. Watson, Planning Director

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## BZA STAFF REPORT

**To:** BOARD OF ZONING APPEALS MEMBERS  
**From:** Wade D. Watson, Building Commissioner  
**Date:** April 5, 2023  
**Re:** Case ZB2023-01 UV (USE VARIANCE)

### GENERAL INFORMATION:

**Applicant:** Tyler's Auto Repair, LLC.  
297 S Eisenhower Dr.  
Edinburgh, In 46124

**Property Address:** Unaddressed Lot on Eisenhower Drive, Edinburgh, IN 46124

**Property Owner:** William A Burton  
7853 E State Rd 252  
Edinburgh, In 46124

**Property Number:** 41-12-33-041-008.000-002  
**Lot Size:** 0.45 Acres; 717 Sq Ft. (approximately)  
**Zoning:** LB – Local Business  
**Land Use:** Vacant Lot  
**FEMA Flood Plain:** Parcel does not exist within a designated flood area

#### SURROUNDING ZONING:

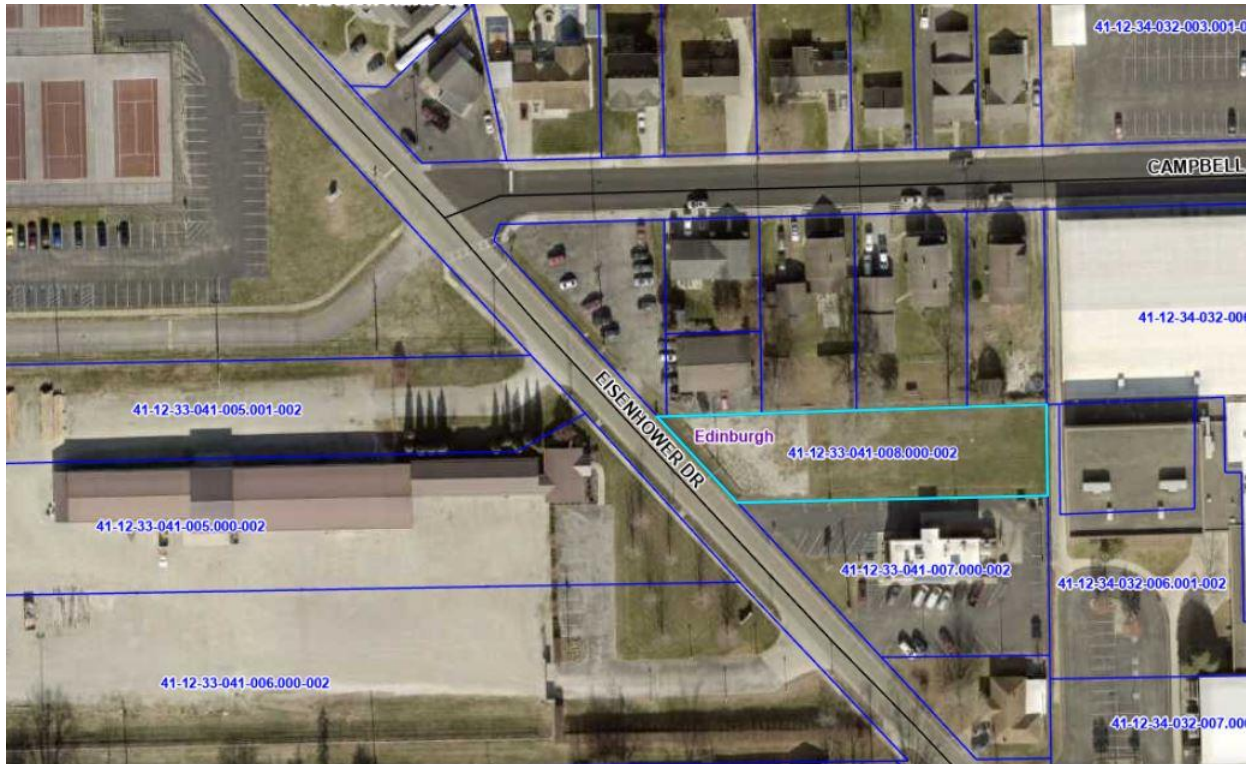
**North:** LB & R4:  
**South:** LB:  
**East:** R4:  
**West:** EI:

#### SURROUNDING LAND USE:

Business & Residential  
Business – Edinburgh Diner  
Edinburgh High School  
Edinburgh Electric Department

### REQUEST:

**CASE ZB2023-01 UV** Tyler's Auto Repair, LLC. is requesting a Use Variance from the requirements of Division 2, Section 156.036 of the Town of Edinburgh Zoning Ordinance to allow the operation of Automotive Repair Business in a District zoned as LB – Local Business.



### **DOCUMENTATION AND 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. Staff has received no oral or written remonstrance in response to this petition prior to completion of this report.

### **PURPOSE OF STANDARDS:**

The intent of the Edinburgh zoning standards is to promote the public health, safety, and general welfare of the community. Districts designated for residential use are limited to dwellings and public and semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these districts is to create an attractive, stable, and orderly residential environment.

The establishment of compact districts for specific business types is to provide for more efficient traffic movement, parking facilities, fire protection, and police protection. The purpose of these districts is to provide unified shopping and service districts conveniently located in areas appropriate for business use and to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public.

### **CASE CONSIDERATIONS:**

1. The subject property is zoned Local Business (LB). Town of Edinburgh Zoning Ordinance Division 2: District Regulations, (Table 1: Permitted Uses and Special Exceptions; §156.036) permits Auto

Service & Repair businesses to operate in districts zoned as Roadside Business (RB) or in Open Industrial (OI).

2. Tyler's Auto Repair, LLC is currently conducting its business at 297 S Eisenhower Dr. which exists approximately 300 north of the subject property. This original site is also zoned Local Business.
3. The subject property is a vacant lot which exists in an area zoned for commercial uses but is partially adjacent to an area which is zoned and occupied by residential uses.
4. Division 2, Table 2 of §156.037 of the Edinburgh Zoning Ordinances establishes the following standards for development on property designated as Local Business:
  - Minimum Front Depth of 25' (twenty-five feet)
  - Minimum side set back of 20' (twenty feet)
  - Minimum rear set back of 20' (twenty feet)
  - Maximum height of 35' (thirty-five feet)
5. These setback standards are different for districts zoned as Roadside Business. Table 2 of §156.037 establishes the following standards for development on property designated as Roadside Business:
  - Minimum Front Depth of 75' (seventy-five feet)
  - Minimum side set back of 20' (twenty feet)
  - Minimum rear set back of 20' (twenty feet)
  - Maximum height of 35' (thirty-five feet)
6. **Comprehensive Plan Considerations:** (Reference: Town of Edinburgh – Comprehensive Plan adopted May 9, 2011 as amended Oct. 18, 2016)
  - a. One of the Top Community objectives of the Town of Edinburgh Comprehensive Plan is the attraction of new businesses. A stated goal of the Comprehensive Plan is to “Seek opportunities to expand the commercial base of the Town by encouraging appropriate commercial development offering goods and services to local residents and the greater region.”
  - b. Another objective is to encourage new development and infill development /redevelopment that is complementary to the scale and character of surrounding uses.
  - c. Ensure that all new, improved, and existing development is effectively screened and buffered from adjacent residential uses.

## **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.

- 4. Unnecessary Hardship: The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.**

### **STAFF FINDINGS:**

The strict application of the terms of the ordinance **will not** result in an unnecessary hardship if applied to this property.

- 5. Comprehensive Plan: The approval does not interfere substantially with the Edinburgh Comprehensive Plan.**

### **STAFF FINDINGS:**

The approval of this variance **will not** interfere with or be inconsistent with the goals and objectives of the Comprehensive Plan.

## STAFF RECOMMENDATION

Based on these investigation findings, staff recommends **APPROVAL** of the petition for a Use Variance to operate an Auto Service & Repair business on this property being zoned as Local Business (LB), with the following conditions:

1. That this decision is only granted to the Petitioner, and the Use Variance is not transferable to any other property owner(s) not directly associated with the Petitioner;
2. That this decision is null, and void should the Petitioner fail to develop the subject parcel within two (2) years of the date of the BZA Findings of Fact;
3. That all parking areas servicing the Auto Service and Repair business shall be paved with bituminous, concrete, or other all-weather, dust-proof surfacing within ninety (90) days of the completion of the construction project;
4. That all open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a Residential District or any institutional premises, by a wall, fence, or densely planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height;
5. That all development be compliant with standards established in the Edinburgh Zoning Ordinances for development within districts zoned as Local Business for which variances are not granted;
6. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana, the requirements of Johnson County Planning Department and the developmental requirements of the Edinburgh Zoning Ordinances for properties in Districts zoned as Roadside Business, for which variances are not granted;
7. That prior to commencement of any construction at the subject property, the Petitioner shall acquire a Construction Design Release from the Indiana Department of Homeland Security and all required permits from the Town of Edinburgh Planning Department as applicable.

Respectively Submitted,



Wade D. Watson  
Interim Town Manager/Planning Director  
Town of Edinburgh