

STAFF REPORT

CASE NUMBER: PC 2023-04
CASE NAME: Hamm Minor Subdivision

GENERAL INFORMATION

Applicant: Ronald & Cathy Hamm
503 Lincoln Street
Edinburgh, IN 46124

Property Owner: Hamm Chad Adrian Trustee of the Hamm Irrevocable Trust
100 S Blue River Dr
Edinburgh, IN 46124

Surveyed by: CKW Land Survey, Inc (recorded 9/11/2015)
Jeff Kondy, Land Surveyor

Lot Size: 108.45' x 194'
Acreage: 0.48
Zoning: R4 Medium Density Residential
Current Land Use: Residential

PROPERTY DESCRIPTION

A part of the north half of the southeast quarter of section 33, Township 11 north, range 5 east of the second principal median, described as follows:

Beginning at a point which is 955.4 feet north of and 247.5 feet west of the southeast corner of said half quarter section, thence west 194.00 feet; thence north 108.45 feet; thence 194.00 feet; thence south 108.45 feet to the point of beginning, containing 0.483 acres, more or less, subject to any rights-of-way, easements, and restrictions of record.

CASE DESCRIPTION

PC 2023-04: Hamm Minor Subdivision – A request by Ronald & Cathy Hamm to subdivide a single unplatted Lot into two (2) Lots for the purpose of transfer of ownership. This subdivision does not involve any new street or the extension of local governmental facilities, or the creation of any public improvements. The property is located at 100 S Blue River Drive, Edinburgh, IN 46124.

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

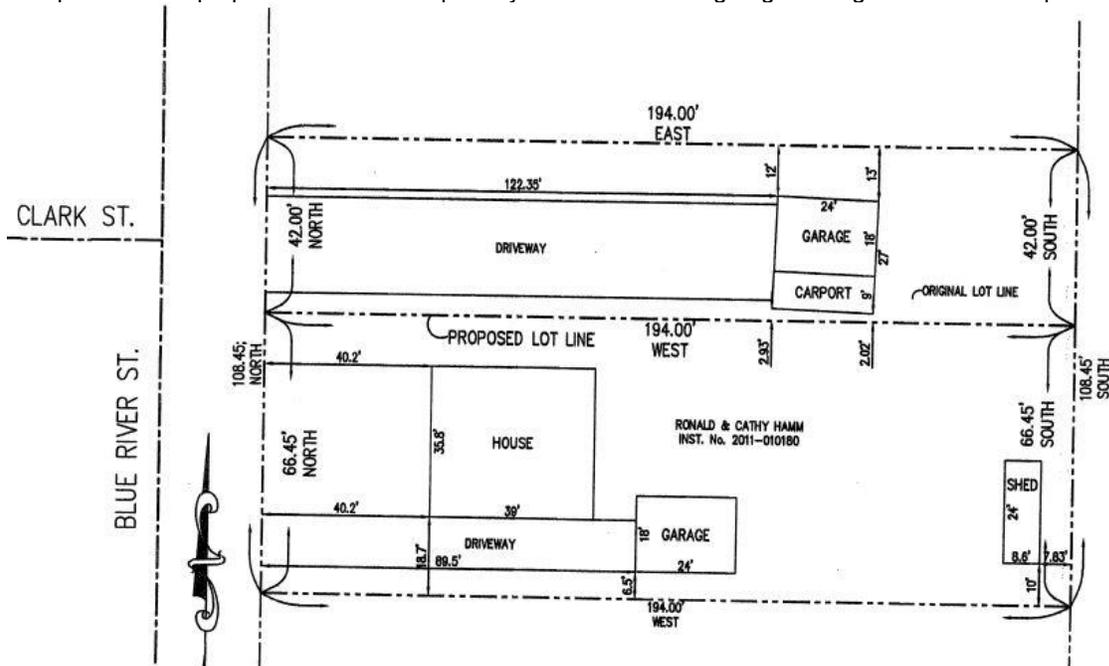
CASE HISTORY

Based on investigation by the Planning Department, it appears that the subject parcel was originally platted as a 72 feet wide lot. At some point in time, the adjacent lot immediately to its north boundary line was also a 72 feet wide lot, which appears to have been divided into two parcels, each having an approximate width of 36 feet each.

It further appears that these two 36 feet wide parcels were then transferred to each adjacent property owner – the north half of the original lot having been transferred to the owner of property to the north, and the south half of that original lot having been transferred to the owner of property to the south, being the subject property of this petition.

According to a surveyor's Boundary Retracement of the subject property, recorded on September 11, 2015 in the Johnson County Recorder's Office, the parcel line between the original 72 feet lot and the 36 feet half-lot was vacated, thus creating the subject parcel's current configuration having an approximate width of 108 feet. ($72' + 36' = 108'$) This action was initiated by Ron & Cathy Hamm who were the owners of record at that time. This petition is a request to re-subdivide the subject parcel into two lots, effectively reversing the action taken by the Boundary Retracement referenced above. The stated purpose for this petition is to sell the larger lot with the single-family dwelling and keep the smaller lot including the 18' x 24' garage for personal use.

The subject parcel currently has four (4) existing structures; the primary structure is a single-family dwelling, plus an 18' x 24' garage; an 8' x 24' utility shed and an 18' x 24' garage having an attached carport. The new parcel line is proposed between the primary structure and the garage having the attached carport.



CONSIDERATIONS AND FINDINGS

- A. **Division 2: District Regulations: § 156.037** Establishes the Lot and Yard Requirements for each zoning district. The minimum lot area, minimum width of lot, the minimum depth of the front yard, minimum width of each side yard for each district shall be as shown on Table 2.

1. The petitioner is seeking to create two (2) lots from the existing parcel which is 108.45 feet wide as follows:
 - a. Dimension proposed for Lot # 1 is 66.45 feet wide and 194 feet deep.
 - b. Dimension proposed for Lot # 2 is 42 feet wide and 194 feet deep.

Staff Findings: *Table 2 establishes the minimum lot width for property within districts zoned R-4 is 70' feet wide. If approved, both of these lots would be below the minimum required width.*

2. The minimum width of each side yard established for this district is ten (10) feet for any primary structure and a minimum of five (5) feet for accessory structures.

Staff Findings: *The proposed subdivision would create a side yard having less than the minimum requirement for an accessory structure currently existing on what would become Lot 2. As indicated on the illustration above, the south side of the carport attached to the 18' x 24' garage would exist approximately 2 feet from the proposed boundary line.*

B. Division 2; Minor Plat Procedures; § 156.16 (A) Establishes criteria which should be reviewed when considering a Minor Plat to determine whether the following conditions have been satisfied:

1. That the subdivision will not impede the normal and orderly development of improvements of the parcel or surrounding properties.

Staff Findings: *This subdivision will impede the normal and orderly development of improvements of the parcel or surrounding properties.*

2. That necessary and adequate utilities and drainage facilities have been or are being provided.

Staff Findings: *All necessary and adequate utilities and drainage facilities have been or are being provided.*

3. That adequate measures will be taken to provide ingress and egress to the remainder of the parcel and surrounding properties.

Staff Findings: *Adequate measures exist to provide ingress and egress to the parcels and surrounding properties.*

4. That the subdivision will not be detrimental to or endanger the public health, safety, or general welfare.

Staff Findings: *This subdivision will not be detrimental to or endanger the public health, safety, or general welfare.*

5. That the subdivision will not create more than one lot served for purposes of access by a private drive.

Staff Findings: *This subdivision will not create more than one lot served for purposes of access by a private drive.*

STAFF ANALYSIS

The creation of a non-conforming lot having only 42 feet of width will likely cause future development concerns. Any future improvements of this lot most certainly would be difficult without granting variances from established developmental standards. The Planning Department's experiences with other similar non-conforming lots within our jurisdiction have historically resulted in frustration for property owners and the Planning Department. Historically lots having off-site ownership are more prone to maintenance violations and upkeep. This comment by no inference reflects staff's expectation of the current owner but historically these "orphan" lots are not well maintained by future property owners.

It is the opinion of the Planning Department that the best use of this residential property is to leave it as it currently exists and not to subdivide it.

STAFF RECOMMENDATIONS

Based on these findings, the Planning Department staff recommends the Plan Commission deny the subdivision of this parcel into two (2) non-conforming lots.

Should the Plan Commission grant this request by approving the subdivision as presented, staff recommends the following requirements be included with the issuance of the Findings of Facts:

1. The re-plat is recorded with the Office of Recorder of Johnson County within twelve (12) months of the approval by the Edinburgh Plan Commission.
2. That proof of recording shall be delivered to the Office of Edinburgh Planning Department located at 107 S Holland Street, Edinburgh, IN within thirty days (30) of recording.
3. If the replat is not recorded within this time, the Plan Commission approval shall be null and void unless the approval is renewed by action of the Plan Commission.

Respectfully Submitted,



Wade Watson
Planning Director
Town of Edinburgh