



TOWN OF Edinburgh

Administrative Offices: 107 South, Holland Street, Edinburgh, IN 46124 Wade D. Watson wwatson@edinburgh.in.us

BZA STAFF REPORT

To: BOARD OF ZONING APPEALS MEMBERS
From: Wade D. Watson
Date: May 4, 2016
Re: **Case BZA 2016 -01 VARIANCE FROM DEVELOPMENT STANDARDS**

GENERAL INFORMATION:

Applicant: WESLEY & LISA SMITH
609 MEMORIAL DRIVE
Edinburgh, IN 46124

Agent: None

Property Address: 609 Memorial Drive, Edinburgh, IN 46124

Property Owner: Same

Property Number: 41-12-33-043-056.000-002

Legal Description: Prosser Add 5th Sec Lot 101

Acreage: 0.169 acre (7,349 Square Ft.)

Lot Size: 70' X 105'

Zoning: R 3 Medium-Low 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 3:
South: R 3:
East: R 3:
West: PG:

SURROUNDING LAND USE:

Medium-Low Density Residential
Medium-Low Density Residential
Medium-Low Density Residential
Rest Haven Cemetery

REQUEST:

Case BZA 2016-01 Wesley & Lisa Smith. 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 an accessory structure to be located within an area less than the minimum Side and Rear Yard Setback requirements established in Table 2 Districts Standards. Petitioner is requesting a variance to build a ten (10) foot by twenty (20) foot carport attached to the east side of the house.

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 width side yard setback requirement for properties in districts zoned R3 to be a minimum ten (10) feet.
2. The subject property has an effective lot width of seventy (70) feet. The current structure on this property is approximately fifty (50) feet wide, positioned approximately in the center of the lot. As such there currently exists the minimum side yard setback requirement as specified in §156.036.
3. The construction of a ten (10) foot wide carport on the east side of the subject property would place the structure on or approximately on the lot boundary line between the two parcels.
4. Most of the houses in this area were built utilizing the minimum side yard setback. However the existing distance between the house on the subject property and the house on the adjacent lot to the east is approximately twenty-four (24) feet.
5. The proposed carport is to be constructed as a roof structure only supported by posts, having no enclosed walls to the south, east or north sides of the structure.

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.
3. That at no time shall there be any sidewalls constructed enclosing the carport unless proper permits are obtained and strict adherence to all requirement standards compliant with the Zero Lot Line construction.

Respectively Submitted,



Wade D. Watson, Town Manager
Town of Edinburgh, Indiana