

Zoning Board of Appeals  
Wednesday, October 3, 2018  
6:00 PM Town Hall

Edinburgh Zoning Board of Appeals met on Wednesday, October 3, 2018, 6:00 p.m., Edinburgh Town Hall.

Members Present: Keith Sells  
Ron Hoffman  
Ron Hamm  
Richard Pile

Others Present: Wade Watson, Town Manager  
Dustin Huddleston, Town Attorney

Keith Sells opened the meeting at 6:00 p.m. with roll call. Keith Sells here, Ron Hoffman here, Ron Hamm here, Richard Pile here, Lloyd Flory absent.

Mr. Sells presented minutes from the September 5th meeting. Mr. Sells was not present for the September 5th meeting, so he opened the floor for someone else to present the minutes.

Ron Hoffman opened the floor for any questions regarding the September 5<sup>th</sup> meeting, if no questions were raised, then the floor would be open to approve September 5<sup>th</sup> minutes. Richard Pile made a motion to accept the minutes and Ron Hamm seconded the motion. All in favor.

Dustin Huddleston stated the minutes would have to be tabled until meeting when Lloyd Flory is present.

Ron Hoffman stated the minutes will be tabled until Lloyd Flory is present.

Mr. Sells opened the floor for Sign in Sheet for those in attendance wishing to speak would have to sign in.

Dustin Huddleston swore in Robby M Link.

Mr. Sells presented Case BZA: 2018-03V: Robby M and Bobby C Link and gave floor to Wade Watson to give the presentation.

Wade Watson presented Power Point presentation reference packet information for **Robby M & Bobbie C Link: Case ZB 2018-03V:**

Lot Size: 70' X 105'  
Zoning: R 4 Medium Density Residential  
FEMA Flood Plain: Subject Property does not exist in a designated flood area

SURROUNDING ZONING: is different, R3 surrounds three sides of the property, to the south is PG which means Parks and Greens space so it's the cemetery, so it backs up against Rest Haven.

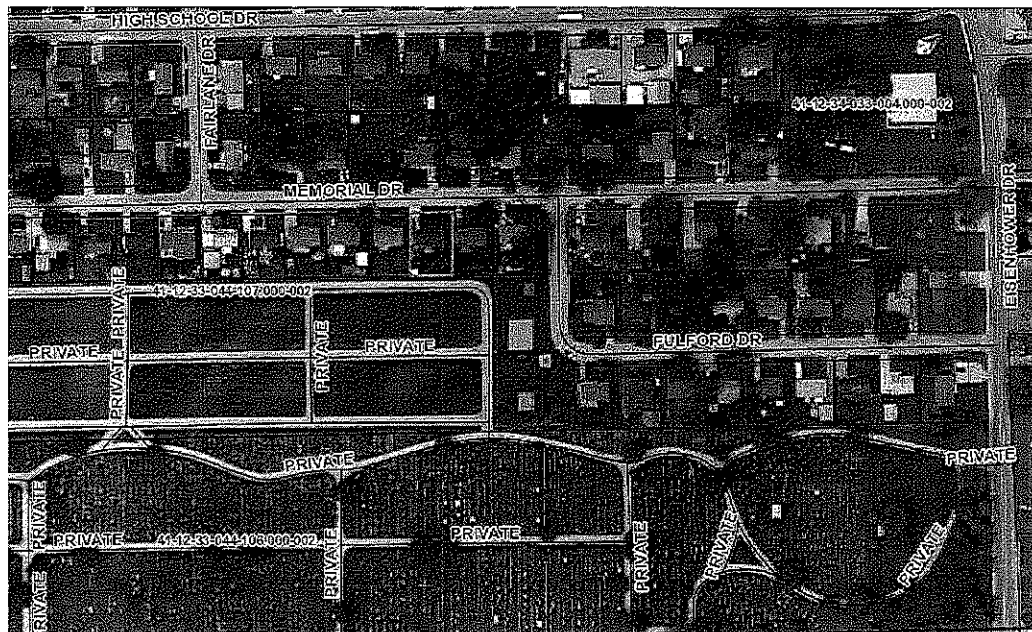
**REQUEST:**

The request is a variance from Developmental Standards, to allow construction of an accessory building that is larger than permitted by our Zoning Ordinance. Mr. Link wants to build a twenty-seven-foot (27') by thirty-five-foot (35') accessory structure with ten foot (10') high sidewalls and also he would like to build it in an area that is less than the minimum side yard setback according to the Zoning Ordinance.

**PUBLIC NOTICES:**

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

Wade presented picture of property that shows the general area, property is highlighted in green on picture that backs up to the cemetery.

**PURPOSE OF STANDARDS:**

The purpose for our standards is the established districts are created for a residential environment which permits only the uses in the district that will not detract from the residential character and establish density standards dwelling types and provide various housing needs and the desires of our citizens.

**CASE CONSIDERATIONS:**

1. As indicated Section 156.271 establishes a "PRIVATE GARAGE" as: An accessory building with capacity for not more than two (2) motor vehicles per family, provided that the accessory structure would not exceed 24-feet by 30-feet and establishes the sidewall height of maximum of 9-feet and the total height of the building no larger than eighteen feet.
  - Petitioner is seeking a variance to construct a twenty-seven (27') foot by thirty-five (35'), so it is three foot wider and five foot longer than is permitted with a ten (10') foot side walls and that overall height would not exceed the eighteen foot, so we are within the ordinance requirement there. It's just three foot wider and five foot longer and one foot taller that what's required.
  - The minimum setback for all accessory structures in all districts is five foot from the property line.
  - Petitioner is seeking to save as much of his back yard as possible, he would like to move that to two (2') foot from the east side, five foot off the property line at the cemetery but move it closer to the neighbor's structure.
  - Wade Watson continued to show pictures on his slide show to give more clarifications on proposed structure. Petitioner is proposing to move away from his chain link fence and a five (5) foot setback from the south side property line, which is compliant with the minimum required setback distances established in the Zoning Standards for an accessory building.
  - The proposed use of the accessory structure is vehicle storage for the property owner's person.

**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:

Wade stated that if we strictly enforce the rules that are in the Zoning Ordinance, it would not result in a practical difficulty in the use of this property.

#### STAFF RECOMMENDATION

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

1. That this decision is only granted to the Petitioner, and the Developmental Variance 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 the subject structure be compliant with International Residential Building Codes adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances and,
4. That prior to commencement of any construction at the subject parcel, the Petitioner submit construction plans to the Town Building Commissioner for review/approval and new permit issuance(s) by the Building & Zoning Department as applicable.

Keith Sells opened the floor for any questions for Wade Watson.

Ron Hamm asked if there were any complaints from neighbors?

Wade Watson answered that no one has contacted him with any objections.

Ron Hamm asked if it was to be used for Core?

Robby stated that no core and he wants to get rid of shed, the reason for five foot longer is because it will be used for storage.

Ron Hoffman asked if the fence would stay?

Robby stated, yes, the privacy fence would stay all around it. The only thing that would move would be the one in the front where the gate is. The reason he was asking for an offset was because when looking at the property so it would look more proportioned.

Keith Sells once again asked if anyone else had any questions. Keith Sells asked Mr. Link if he had anything else to say to the board other than what was already said.


Robby said it will not be used for cores, or repair shop. It's just that he has been using his mother's-in-law garage to store his stuff and he wishes to put his belongings at his house. He also stated he has motorcycles and he has lifts that was the other reason for the ten-foot ceilings.

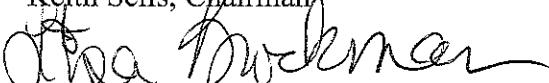
Keith Sells opened the floor for any other questions or comments. He then asked for a motion to approve.

Ron Hoffman made motion to approve with Staff Recommendations for CASE ZB 2018-03V. Ron Hamm seconded the motion.

Keith Sells stated that we have a motion to approve and second to approve this with including the recommendations the staff had provided, all in favor say aye. Ayes carried, motion approved.

Richard Pile made a motion to adjourn the meeting, second by Ron Hamm. All in favor say aye, the ayes carried meeting adjourned.

  
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Keith Sells, Chairman

  
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Lisa Brockman, Secretary