



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 6, 2020
Re: **CASE ZB 2020 – 03 V, VARIANCE FROM DEVELOPMENTAL STANDARDS**

GENERAL INFORMATION:

Applicant: Charles Blair
650 Pinellas Bayway S Unit 2101
Tierra Verde, FL 33715

Property Address: 105 S Holland Street, Edinburgh, IN 46124

Property Owner: Naylor-Blair Family Limited Partnership
650 Pinellas Bayway S Unit 2101
Tierra Verde, FL 33715

Property Number: 41-12-34-031-055.000-002
Lot Size: 11,421 Square Feet (approximate total building)
Zoning: Central Business District (CBD)
Land Use: Commercial & Residential
FEMA Flood Plain: Subject Property does not exist in a designated flood area

SURROUNDING ZONING:

North: CBD:
South: CBD:
East: CBD:
West: CBD:

SURROUNDING LAND USE:

Commercial & Residential
Government
Industrial
Commercial & Residential

REQUEST:

CASE ZB2020-02 UV Mr. Blair is requesting a variance from Developmental Standards of Division 5, Article 156.175 of the Town of Edinburgh Zoning Ordinance for an off-street parking area capable of accommodating five (5) or more vehicles.

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 establishment of districts for specific business types is to provide for more efficient traffic movement, parking facilities, fire protection, and police protection, 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 HISTORY:

On March 4, 2020 Mr. Blair brought Case Number ZB2020-02 UV before the Edinburgh Board of Zoning Appeals requesting a Use Variance from the requirements of Division 2, Section 156.036 of the Town of Edinburgh Zoning Ordinance to allow the ground floor of a building in the Central Business District to be used as Residential Dwelling. The Petition for the Use Variance for ZB2020-02 UV was approved subject to the following conditions:

- a. 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, and
- b. That this decision is null, and void should the Petitioner fail to develop the subject parcel within one (1) year of the date of the BZA Findings of Fact, and
- c. That all parking areas servicing this building shall be paved with asphalt within one (1) year of the granting of this Use Variance, and
- d. That the building be compliant with standards established in the Edinburgh Zoning Ordinances for development within the Central Business District for which variances are not granted, and
- e. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana, and the developmental requirements of the Edinburgh Zoning Ordinances,
- f. That appropriate renovation permits are issued for the project, and that prior to any occupancy of the new residential dwelling, shall be inspected for Building Code compliance and a Certificate of Occupancy be issued by the Town of Edinburgh Building Commissioner.
- g. That the entrance to the residence will be in the back of the building and not in the front of the building of Holland Street.

As of this date the conditions above have been satisfied with the exception of item “c” for which this petition is seeking a variance.

CASE CONSIDERATIONS:

1. The area of consideration has been used for parking in support of local businesses and residents for several years and is currently surfaced with compacted stone.



2. As illustrated in the photo above, a portion of this parking area exists on a parcel owned by the Town of Edinburgh. However, the maintenance for the entire area has been performed by Mr. Blair and/or his representatives for many years.
3. **§ 156.175 (13)** of the Edinburgh Zoning Ordinance states the following: “Every parcel of land hereafter used as a public or private off-street parking area capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
 - a. Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed to minimize interference with pedestrian and traffic movement.
 - b. All required off-street parking shall be paved with bituminous, concrete, or other all-weather, dust-proof surfacing and shall be provided with bumper guards or barrier curbs where needed.
 - c. Any lighting used to illuminate a required off-street parking area shall be shielded from residential properties.
 - d. 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.

- 4. This existing parking appears compliant with all the provisions of Section 156.175 (13) except for part "b".

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 developmental 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 this decision is only granted to this property and to the Petitioner, and that this variance from Developmental Standards is not transferable to any other property or to any other property owner.

Respectively Submitted,



Wade D. Watson, Building Commissioner