



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: April 1, 2020
Re: **CASE ZB 2020-04 V, VARIANCE FROM DEVELOPMENTAL STANDARDS**

GENERAL INFORMATION:

Applicant: RONALD SMITH
601 KING STREET
EDINBURGH, IN 46124

Agent: None

Property Address: 601 King Street, Edinburgh, IN 46124

Property Owner: Same

Property Number: 41-12-34-013-066.000-002

Legal Description: *MAPLEWOOD ADD LOT 7 BLK 8.*

Acreage: 0.165 acre (7,205 Square Ft.)

Lot Size: 55' X 131

Zoning: R 4 Medium 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 4:
South: R 4:
East: R 4:
West: R 4:

SURROUNDING LAND USE:

Medium Density Residential
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REQUEST:

Case BZA 2020-04 V Ronald 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 a covered porch to be located within an area less than the minimum Front Yard Setback requirements established in Table 2 Districts Standards.

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. LOT CONSIDERATIONS

- a) Division 2 Section 156.036 establishes the minimum front yard setback requirement for properties in districts zoned R4 to be a minimum twenty-five (25) feet.
- b) This lot exists on the corner of Clay Street and King Street as such, it is considered to have two (2) front yard setbacks. The structure appears to be compliant with the setback requirements from Clay Street.
- c) The front door of this home faces King Street. The structure on this property currently exists approximately twenty-four (24) feet from the south edge of the existing pavement of King Street. However, based on a review of the Johnson County GIS System, it appears that it exists less than sixteen (16) feet from the actual property line, thus the existing structure does not comply with the minimum front yard setback requirement as specified in §156.036. As it exists, it is considered a permitted non-conforming structure.
- d) The petitioner is requesting a variance to construct a twenty-eight (28) foot by eight (8) foot covered porch on the north side of the subject property. This would place the new structure approximately eight (8) feet from the lot property line and approximately sixteen (16) feet from the existing edge of pavement of King Street.



2. FUTURE STREET DEVELOPMENT

- a) This block of King Street does not currently have curbs or sidewalks. The pavement width of King Street between Clay Street and Franklin Streets is narrower than the width west of Clay Street to Grant Street. The pavement of King Street west of Clay is approximately thirty (30) feet wide and approximately sixteen (16) feet wide east of Clay St.



- b) The Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way Chapter 3, Sections R302.3 and R302.4 establish the continuous clear width of pedestrian access routes. Edinburgh has adopted the standard practice of making pedestrian access routes a minimum of five (5) feet wide for new sidewalk development.

When the Town develops the balance of King Street, the proposed addition would be approximately three (3) to four (4) feet from the back of any new sidewalks in the area.



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

The investigation findings suggest that granting a variance to allow the construction of a covered porch to be located on this lot within an area less than the minimum Front Yard Setback requirements could impede the ability to provide appropriate setback for any pedestrian access routes for future development of King Street thereby inconsistent with the objectives of Edinburgh's ADA Transition Plan. Therefore, staff recommends denial of the petition.

Should the Board choose to grant this Variance, staff makes the recommendation that the applicant be required to meet the following requirements:

1. That this decision is only granted to the Petitioner, and the Variance not transferable to any other property owner(s) not directly associated with the Petitioner, and
2. 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
3. That prior to the commencement of construction, property owner shall obtain all required improvement permits from the office of the Building Commissioner and be subject to the appropriate inspections.
4. 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.

Respectively Submitted,



Wade D. Watson, Building Commissioner
Town of Edinburgh, Indiana