



Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124  
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## **BOARD OF ZONING APPEALS STAFF REPORT**

**To:** BOARD OF ZONING APPEALS MEMBERS  
**From:** Wade Watson, Building Commissioner  
**Date:** January 6, 2021  
**Re:** **Case ZB 2021-02 Variance from Developmental Standards**

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### **GENERAL INFORMATION:**

Applicant: Carl Streeval  
6193 E 700 S  
Edinburgh, IN 46124

Property Address: 6193 E 700 S, Edinburgh, IN 46124

Property Owner: Same

Property Number: 41-12-28-022-005.002-001

Legal Description: NW S28 T11 R5 as recorded in the Office of The Recorder for Johnson County, Indiana

Acreage: 0.500 acre (21,780 Square Ft.)

Lot Size: Approximately 200' x 109'

Zoning: R1 Suburban Residential

Land Use: Residential Single-Family Dwelling,

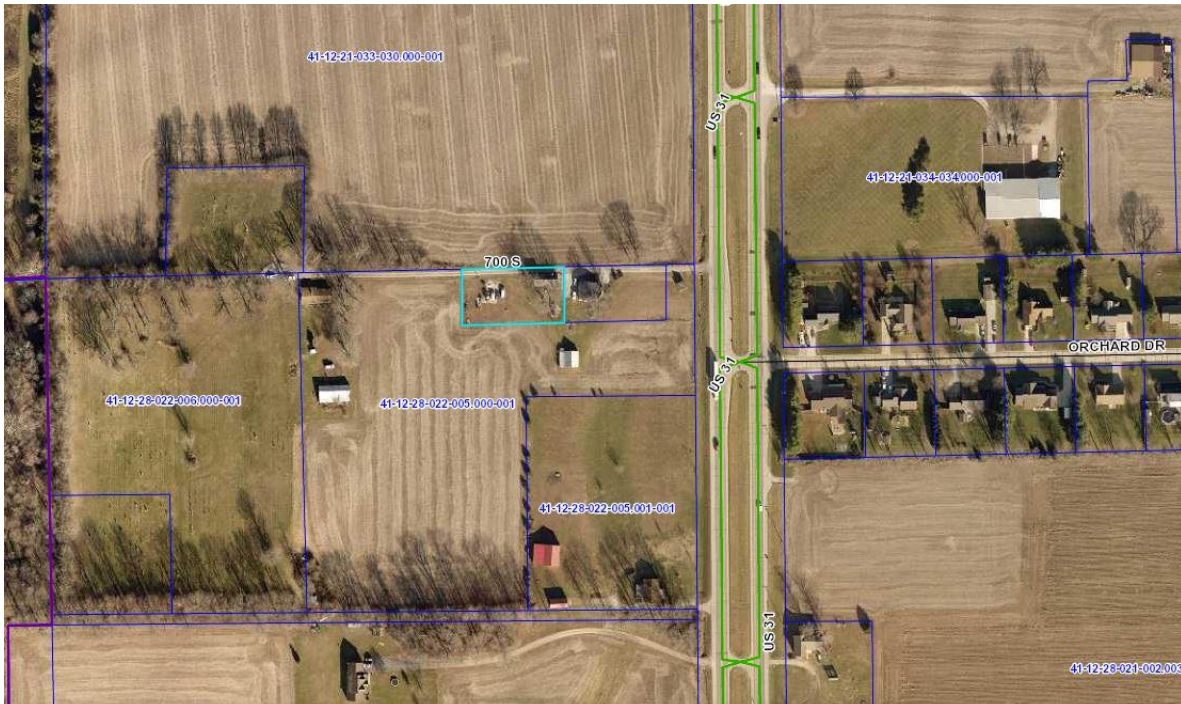
FEMA Flood Plain: Subject Property does not exist in a designated flood area

### **SURROUNDING ZONING:**

North: R 1 Suburban Residential:  
South: R 1 Suburban Residential:  
East: R 1 Suburban Residential:  
West: R 1 Suburban Residential:

### **SURROUNDING LAND USE:**

Agricultural  
Agricultural  
Residential  
Agricultural & Residential



**REQUEST:**

**Case ZB 2021-02V Carl Streeval.** Petitioner is requesting a variance from Developmental Standards, Division 11, Article 156.271 of the Town of Edinburgh Zoning Ordinance to allow construction of an accessory building thirty-foot (30') by forty-eight-foot (48') having ten-foot (10') high sidewalls on property known as 6193 E 700 S., Edinburgh IN 46124.

**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.

**PURPOSE OF STANDARDS:**

The districts designated for industry uses provide suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this Article in order to ensure safe industrial development that is compatible with adjacent uses.

**CASE CONSIDERATIONS:**

1. Town of Edinburgh Zoning Ordinance, Division 11, Section 156.271 establishes the definition of a "PRIVATE GARAGE" as: "An accessory building with capacity for not more than two (2) motor vehicles per family, provided that said accessory building shall be no larger than 24-feet by 30-feet with 9-foot sidewalls."

- Petitioner is seeking a variance to construct a storage building thirty-foot (30') by forty-eight-foot (48') having ten-foot (10') high sidewalls to support his construction business.
2. According to information available on the Johnson County public website, the Single-Family residential structure existing on this parcel was built around 1950 and an 8' x 12' accessory structure was constructed on this parcel around 1979.
  3. Division 2, Table 2 of §156.037 of the Edinburgh Zoning Ordinances establishes the following district standards for accessory structures constructed on property designated as R-1 Suburban Residential:
    - Minimum Front Depth of 50' (fifty feet)
    - Minimum side set back of 5' (five feet)
    - Minimum rear set back of 5' (five feet)
    - Maximum height of 50' (fifty feet)

Petitioner is proposing to construct the storage building to conform with the minimum required setback distances established in the Zoning Standards for an accessory building.

4. This parcel is very minimally visible from any public right-of-way except CR 700 S. It exists in an area surrounded by agricultural uses. The proposed structural design is consistent with the architectural design of other structures within the general 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**

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 be issued a Buffer Approval letter from the Town of Edinburgh Building Commissioner and submit application for a Building Permit issuance(s) from Johnson County Building & Zoning Department as applicable.

Respectively Submitted,



Wade D. Watson  
Building Commissioner  
Town of Edinburgh