



# 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:** November 3, 2021  
**Re:** CASE ZB 2021-04 V, VARIANCE FROM DEVELOPMENTAL STANDARDS

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### GENERAL INFORMATION:

**Applicant:** STORAGE EXPRESS MANAGEMENT, LLC.  
PO Box 70  
Bloomington, In 47402

**Property Address:** 305 W County Line Road, Edinburgh, IN 46124

**Property Owner:** Same

**Property Number:** 03-05-03-220-005.901-010; and 03-05-03-220-003.700-010

**Legal Description:** *Lot Number 20, 21, 22 and 23 in Block "A" in Green Acres Subdivision to the Town of Edinburgh, Bartholomew County, State of Indiana. And thirty (30) feet by parallel lines off the East sides of Lots Number one (1) and two (2) in Block "A" in Green Acres Addition to the Town of Edinburgh, situated in Bartholomew County, State of Indiana.*

**Acreage:** Approximately 0.66 acre (28,687 Square Ft.)

**Lot Size:** 166' X 160' and 30' X 80'

**Zoning:** LB Local Business District

**Land Use:** Commercial – Storage Units for Rent or Lease

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

### SURROUNDING ZONING:

North: R 4:  
South: R 5:  
East: LB:  
West: LB:

### SURROUNDING LAND USE:

Medium Density Residential – House of Worship  
Medium Density Residential – Residential Use  
Local Business – Business and Residential  
Local Business – Municipal Property & Industry

## **REQUEST:**

**Case ZB 2021-04 V.** Storage Express Management, LLC ("Storage Express") has requested a variance from the requirements of the developmental standards of Edinburgh Indiana Code; Title XV (15); Division 2; Chapter 156; Section 156.037 (Table 2); Section 156.173 and 156.175 to allow storage units to be located within an area less than the minimum Front, Side and Rear Yard Setback requirements, and within the Visual Clearance on Corner Lot and the less than the minimum requirements established for Off-street Parking and Loading.

## **PUBLIC NOTIFICATIONS:**

Storage Express 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:**

Town of Edinburgh Zoning Ordinance Division 2: establishes district regulations in §156.030. The districts designated for business, "LB," "GB," "RB," and "CBD" are limited to business, public, and certain residential uses. The establishment of compact districts for such uses, provide for more efficient traffic movement, parking facilities, fire protection, and police protection. The purpose of these districts is to provide unified shopping districts conveniently located in areas appropriate for business uses and to ensure safe development which is compatible with adjacent uses.

## **CASE HISTORY:**

It was reported to the Planning Department that structures had been erected at 305 W. County Line Road, Edinburgh, IN, 46124, alleging violations of the setback standards. Upon investigation it was determined that three structures (Exhibit "A" structures #1, #2 & #3) were found to be erected on the site without submitting plans or obtaining an improvement permit from the town of Edinburgh to confirm compliance with local ordinances, zoning requirements, and building codes. This constitutes violations of §150.20 and §150.38 of the Town of Edinburgh Code of Ordinances.

At least one of the new structures has been partially occupied (assuming that the presence of locks on the doors is an indication of items stored in the unit). No Certificate of Occupancy has been issued for the three structures and therefore, the partial occupation of the structures is considered unlawful. This is a violation of §150.28 of the Town of Edinburgh Code of Ordinances.

A Notice of Violation was issued to Storage Express dated September 16, 2021. Upon receiving notice, Storage Express contacted the Planning Department to seek remedies for the violations as described in the notification. They allege that the structures placed on this property are "Portable Storage Sheds" and as such were not aware that an improvement permit was required or that the developmental standards were applicable. Storage Express has appealed to the Town of Edinburgh's Board of Zoning Appeals for consideration of variances from the requirements of the developmental standards of Edinburgh Indiana Code.

## **CASE CONSIDERATIONS:**

1. Edinburgh Zoning Ordinances §150.20 (Permit Required) establishes that a permit shall be obtained before beginning construction, alteration, or repair of any building or structure.
2. Edinburgh Zoning Ordinances §156.243 establishes that any person who initiates construction of a structure prior to obtaining an improvement location permit or any other required permit shall pay twice the amount of the current permit fee.
3. Edinburgh Zoning Ordinances §150.28 (Certificate of Occupancy) prohibits the occupancy of any building or structure unless a full, partial or temporary Certificate of Occupancy has been issued by the Building Commissioner.
4. Edinburgh Zoning Ordinances §150.38 (Permit Issuance) requires any proposed structure, improvement, or use and its location conform in all respects to the comprehensive plan of the Town before a permit shall be issued.
5. Edinburgh Zoning Ordinances §156.037; Table 2 establishes the following setback requirements for structures on property designated as Local Business:
  - Minimum Front Depth of 25' (twenty-five feet)
  - Minimum side set back of 10' (ten feet)
  - Minimum rear set back of 20' (twenty feet)
6. Per Exhibit "A" the three structures recently added do not conform to these standards. They were positioned in line with the existing structures on the property, approximately fifteen (15) feet from the north property boundary line. Structure #3 placed on the east side of the property (adjacent to S Pleasant Street) was placed approximately less than two (2) feet from the east property boundary line and approximately three (3) feet from the south property boundary line.
7. §156.173 (Visual Clearance on Corner Lot) prohibits the erection, placement, planting, or anything being allowed to grow in such a manner as to materially impede vision between a height of two and half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of the corner lot and a line joining two points on the street right-of-way lines thirty-five (35) feet front the point of their intersection, (reference Exhibit "B")
8. Structure #3, which is placed on the east side of the property (adjacent to S Pleasant Street) exists within the area defined as the Visual Clearance on a Corner Lot at the intersection of County Line Road and S. Pleasant Street, (reference Exhibit "A" and Exhibit "B").
9. §156.175 (Off-Street Parking and Loading) The off-street parking and loading provisions of this Chapter shall apply as follows:
  - (4) Off-street parking facilities in existence on the effective date of this Article and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Article.
  - (14) Parking spaces for other permitted uses or special exceptions not listed in this Article shall be determined by the Board.

10. The addition of these three structures reduces the available off-street parking space in existence on the property prior to their installation.

### **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 be injurious to the public health, safety or general welfare specifically in reference to the Visual Clearance on a Corner Lot and the established setbacks.

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:**

The adjacent property to the south of the subject property will be affected in a substantially adverse manner making it less desirable due to the setback violation created by the recently added structure.

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 **CONDITIONAL APPROVAL** of the petition subject to the following requirements:

1. **Removal** of the Portable Storage Sheds (structure #3) adjacent to S. Pleasant Street on the east property boundary line, thus abating violations of §156.173 Visual Clearance on Comer Lot and §156.037; Table 2 established setback requirements.
2. That Storage Express shall obtain all required improvement permits from the office of the Planning Department for Portable Storage Sheds (structures #1 and #2), remit all applicable fees and

penalties, submit to appropriate inspections and the issuance of a Certificate of Occupancy prior to the uses of these structures.

3. The Portable Storage Sheds (structures #1 and #2) shall be made permanent structures compliant with all current Indiana Building Codes, and all other requirements of the Edinburgh Zoning Ordinances for which a variance is not specifically granted, or be removed as temporary structures per General Administrative Rules Section 675|AC12-6-2(f) within ninety (90) days of the date of the BZA Findings of Fact.
4. That a variance be granted §156.037; Table 2 to allow a fifteen-foot-six-inch (15'-6") front yard setback for the remaining two structures adjacent to County Line Road.
5. That a variance be granted for §156.175 (Off-Street Parking and Loading) for the reduction of off-street parking spaces created by the addition of the two remaining structures.
6. 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;
7. That this decision is null and void should the Petitioner fail to fully comply with these conditions within ninety (90) days of the date of the BZA Findings of Fact

Respectively Submitted,



Wade D. Watson, Planning Director  
Town of Edinburgh, Indiana

25' R.O.W. LINE



<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <b>STORAGE</b> EXPRESS </div> <div style="width: 60%; text-align: right;"> P.O. BOX 70 BLOOMINGTON IN 47402 PH 812-339-6339 </div> </div>		Property Info
Date 10/11/21		EDINBURGH-COUNTY LINE 305 County Line Road Edinburgh, IN 46124
Drawn by CJB		
Sheet C-1		

# EXHIBIT "B"

STREET

35'

STREET RIGHT-OF-WAY

CURB

35'

STREET RIGHT-OF-WAY

STREET

VISUAL CLEARANCE AREA

# 156.173 VISUAL CLEARANCE  
ON CORNER LOT

