



Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124

Wade D. Watson

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BZA STAFF REPORT

To: BOARD OF ZONING APPEALS MEMBERS
From: Wade D. Watson
Date: January 5, 2022
Re: CASE ZB 2021-05 V: VARIANCE FROM DEVELOPMENTAL STANDARDS

GENERAL INFORMATION:

Applicant: THOMAS & BARBARA COPPLE
511 HIGH SCHOOL DRIVE
EDINBURGH, IN 46124

Agent: None

Property Address: 509 High School Drive, Edinburgh, IN 46124

Property Owner: Same

Property Number: 41-12-33-044-061.000-002

Legal Description: Prosser Addition Section 1; Lot 18.

Acreage: 0.25 acre (10,681 Square Ft.)

Lot Size: 89' X 120'

Zoning: R 3 Medium-Low 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 3:
South: R 3:
East: R 3:
West: R 3:

SURROUNDING LAND USE:

Medium Density Residential
Medium Density Residential
Medium Density Residential
Medium Density Residential

REQUEST:

Case ZB 2021-05 THOMAS & BARBARA COPPLE. 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. Division 2 Section 156.036 establishes the minimum front yard setback requirement for properties in districts zoned R3 to be a minimum twenty-five (25) feet.
2. The residential structure on this property currently exists approximately twenty-five (25) feet from the right-of-way along High School Drive
3. On February 5, 2021 the Planning Department issued an improvement permit for renovation of this property to repair damage caused by a major house fire. At the time the permit was issued, there was not a request for a porch addition nor plans submitted indicating a porch addition.
4. Sometime during the construction process, an eight (8) foot by fourteen (14) foot porch was added to the front of the original structure within the minimum front yard setback.
5. Requiring the removal of the structure in violation of the twenty-five (25) foot



setback would necessitate the demolition of the now existing covered front porch including replacing and/or repair of the new metal roofing material, soffit, fascia and guttering.

6. It appears that all the homes in the Prosser subdivision were originally built compliant with the twenty-five (25) foot front yard setback from the right-of-way. However, through the years, many of these houses have added porches or additions into the front yard setback thus several are not compliant with the front yard setback requirement.
7. The petitioner is requesting a retroactive variance for the structure in violation of the front yard setback and permission not to be required to remove this new covered porch which was constructed without being included when the building permit was issued, and which encroaches eight (8) feet into the required twenty-five (25) feet front yard setback.

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, retroactively granting a variance from developmental standards for the porch constructed within the front yard setback, thus not requiring the removal of the front porch now existing on this property.

Respectively Submitted,

A handwritten signature in cursive script, appearing to read "Wade Watson", followed by a horizontal line.

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