



Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124 Wade D. Watson wwatson@edinburgh.in.us

## BZA Staff Report

**To:** EDINBURGH BOARD OF ZONING APPEALS (*REVISED*)  
**From:** Wade D. Watson, Planning Director  
**Date:** April 6, 2022  
**Re:** Case ZB 2022-02V REQUEST FOR VARIANCE FROM DEVELOPMENT STANDARDS

### GENERAL INFORMATION:

Applicant: William Burton  
523 Memorial Drive  
Edinburgh, IN 46124

Agent: None

Property Address: 523 Memorial Drive, Edinburgh, IN 46124

Property Owner: Same

Property Number: 41-12-33-044-087.000-002

Legal Description: Lot Number 93 in Prosser Addition, Section 3

Acreage: 0.169 acre (7,349 Square Feet.)

Lot Size: 70' X 105'

Zoning: R 3 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 3:  
South: PG:  
East: R 3:  
West: R 3:

### SURROUNDING LAND USE:

Medium – Low Density Residential  
Parks & Greenbelt  
Medium – Low Density Residential  
Medium – Low Density Residential



**REQUEST:**

**Case ZB 2022-02V William Burton.** Petitioner is requesting a variance from Developmental Standards of Title XV, Division 2, Chapter 156.037 of the Town of Edinburgh Zoning Ordinance to construct a twenty-four (24') foot by forty-one (41') foot addition to the back of the house within an area less than the minimum Rear Yard Setback requirements established in Table 2 Districts Standards on property known as 523 Memorial Drive, 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/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. Petitioner desires to construct an attached room addition and garage to rear of his residence. The overall size of the addition is anticipated to be (24') foot by forty-one (41') foot; the area anticipated for the garage is twenty-four (24') feet by thirty-six (36') feet. A small utility space containing a bathroom and a closet is planned between the current structure and the garage.
2. The total depth of Lot #93 is one-hundred five (105') feet. According to staff's calculations using the public information available on the Johnson County GIS, it appears the rear yard of this property is approximately (+/-) fifty-two (52') feet from the existing structure.
  - The petitioner is proposing to build the addition to within approximately (+/-) eleven (11') feet from the back fence.
  - The proposed addition will be compliant with all other setback requirements.
3. This property is adjacent to the Rest Haven Cemetery immediately to its south property line.
4. Table 2 of Division 2; Section 156.037 (Lot & Yard Requirements) establishes the depth of the rear yard setback for properties located in districts zoned R3 to be a minimum twenty (20') feet.
5. The anticipated purpose of this addition will be for personal use and personal vehicle storage for the property owner.
6. Should the Board approve this request, the petitioner will remove all the accessory structures currently existing in the rear yard and replace them with the new proposed structure in approximately the same general location. The existing driveway will remain as the access route for the proposed structure.

**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 submit construction plans to the Town Building Official for review/approval and new permit issuance(s) by the Planning Department as applicable.

Respectively Submitted,



Wade D. Watson  
Planning Director  
Town of Edinburgh