



Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124 Robert Overton roverton@edinburgh.in.us

BZA Staff Report

To: BOARD OF ZONING APPEALS
From: Robert Overton
Date: August 25, 2023
Re: Case BZ 2023 – 08 V (Variance from Developmental Standards)

GENERAL INFORMATION:

Applicant: Steve Coffey
401 Lincoln St
Edinburgh, IN 46124

Property Address: 401 Lincoln St, Edinburgh, IN 46124

Property Owner: Stephen & Patricia Coffey
401 Lincoln Street
Edinburgh, IN 46124

Property Number: 41-12-34-012-055.000-002

Legal Description: DRYBREADS' ADD LOT 61

Acreage: 0.220 – (60'x 160')

Zoning: Residential (R4) – High Density- 6 units per acre

Current Land Use: Single-family Dwelling

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

SURROUNDING ZONING:

North: R4
South: R4
East: R4
West: R4

SURROUNDING LAND USE:

High Density Residential
High Density Residential
High Density Residential
High Density Residential



REQUEST:

CASE ZB 2023 – 08 V Steve Coffey is petitioning for a variance from the Town of Edinburgh Zoning Ordinance, to be allowed a detached accessory structure (metal open-sided carport) within the required front yard setback of Shelby Street on a residential lot located at 401 Lincoln Street, Edinburgh, IN. This request is for a variance from Title XV, Chapter 156, Division 2, Section 156.037 – Lot and Yard Requirements.

NOTIFICATION:

Petitioner has satisfied all documentation requirements for legal and public notifications as specified in the Town of Edinburgh Zoning Board of Appeals Application Packet.

PURPOSE OF STANDARDS:

An ordinance establishing a Zoning Ordinance for the Town of Edinburgh, Indiana and providing for the administration, enforcement, and amendment thereof in accordance with the provisions of I.C. 36—7 et. seq. and for the repeal of all ordinances in conflict herewith.

DECLARATION OF NECESSITY:

This Chapter is further deemed necessary by the Town Council in order:

To preserve, promote and protect the public health, safety comfort, morals, convenience, and general welfare of the Town;

To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.

(Other necessities omitted.)

CONSIDERATIONS:

1. The existing exterior wall of the garage and a portion of the residence are located on or very near the property line of this parcel. The structure is classified as existing non-compliant.
2. Section 156.037 Lot and Yard Requirements. The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard, minimum depth of rear yard and minimum ground floor area for each district shall be as shown on the following Table 2: R-4 Minimum Depth Front Yard² – 25'. Where 25% or more of the lots in a block frontage are occupied by buildings, the average setback of the buildings determined the location of the building setback line.
 - The average setback of the primary structure on Shelby Street between Grant and Franklin Streets is 19.1' from the edge of the pavement.
 - The average setback of the accessory structure on Shelby Street between Grant and Franklin Streets is 25.5' from the edge of the pavement.
 - The Coffey primary and accessory structures will be approximately 10' from the edge of the pavement.
3. The proposed accessory structure is "temporary" from the standpoint that it is light-weight construction.
4. The side walls will be open and therefore the field of vision is not further restricted by the accessory structure as it would be for solid walls.
5. The accessory structure is being placed on an existing concrete slab-on-grade driveway.
6. The primary reason for the accessory structure is to provide shade from the sun extending from the interior of the garage.



CRITERIA FOR DECISIONS:

In acting 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: Because of the density of this subdivision and the use of Shelby Street as a street serving the school and water park, the loss of the front yard could potentially be injurious to the public (mental) health due to the loss of open space.

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 due to the installation of the carport.

3. **Practical Difficulty:** The strict application of the terms of the ordinance will result in 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 practical difficulty in the use of this property. Locating the carport beyond the 19.1' setback would not satisfy the intent of the petitioner.

STAFF RECOMMENDATION

Given the temporary nature of the construction and the open-side walls and the health benefits to Mr. and Mrs. Coffey of being outdoors, I recommend **APPROVAL with conditions** of this petition.

VARIANCE 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 no portion of the dwelling or architectural features project over any property line;
4. That at no time shall there be any side walls constructed enclosing the carport;
5. That the subject structure be compliant with the Indiana Residential Code adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances for which a variance is not granted;
6. Prior to commencement of any construction, the Petitioner submits construction plans to the Town Building Official for review/approval and new permit issuance(s) by the Planning Department as applicable.

Respectively Submitted,

Robert Overton,
Building Commissioner
Town of Edinburgh