



TOWN OF Edinburgh

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: February 1, 2024
Re: Case BZ 2024 – 01 V (Variance from Developmental Standards)

GENERAL INFORMATION:

Applicant: Elaine Burton
640 Liberty Circle
Edinburgh, IN 46124

Property Address: 521 Memorial Drive, Edinburgh, IN 46124

Property Owner: Ivan D & M Elaine Burton
640 Liberty Circle
Edinburgh, IN 46124

Property Number: 41-12-33-044-088.000-002

Legal Description: PROSSER ADD 3RD SEC LOT 92

Acreage: 0.169 ac. – (70'x 105')

Zoning: Residential (R3) – Medium Density- 4 units per acre

Current Land Use: Single-family Dwelling

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

SURROUNDING ZONING:

North: R3
South: PG
East: R3
West: R3

SURROUNDING LAND USE:

Medium Density Residential
Park & Greenbelt
Medium Density Residential
Medium Density Residential



REQUEST:

CASE ZB 2024 – 01 V Elaine Burton is petitioning for a variance from the Town of Edinburgh Zoning Ordinance, to allow a primary structure (16’ wide x 8’ deep porch addition to the residence) within the required front yard setback of Memorial Drive, 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 Prosser Addition was established in the early 1960's and this property appears to have been developed in 1964. The current Zoning Ordinance was initially adopted in 1993 (Ord. 1993-8). The current Zoning Ordinance was most recently revised in 2012 (Ord. 2012-11).
2. Section 156.037 Lot and Yard Requirements. The ... minimum depth of front yard, ... for each district shall be as shown on the following Table 2:
 - R-3 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 determines the location of the building setback line.
 - i. The average setback of the primary structure on Memorial Drive between Fairlane Drive and Fulford Drive is 27.23' from the edge of the right-of-way.
 - ii. The Burton primary structure will be approximately 19' from the property line & right-of-way. (for an 8' deep porch addition)



CRITERIA FOR DECISIONS:

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:

Front Yard Setback- The loss of front yard setback on one lot moves the average setback towards the street. This has been an issue largely unchecked in town. The front corner of the Burton's house is approximately 37' from the edge of the pavement and approximately 27' from the property line- less than the average of the houses on Memorial Drive. The reduction of the front yard **will not** be injurious to the public (mental) health due to the loss of open space, because the porch is an improvement and other homes in the neighborhood updated the front elevation using a porch addition.

- 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 porch addition.

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. The addition of a porch will not result in difficulty in the use of the property as a single-family dwelling.

STAFF RECOMMENDATION

We 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 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;
4. 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

MEMORIAL DR

R/W
Prop Ln.

↑
25'
↓

Build. Ln.

R/W

Prop. Ln.

↑
19'

↓
PROPOSED
PORCH

Build. Ln.

41-12-33-044-088.000-002

Edinburgh

521 MEMORIAL DRIVE