



Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124 Julie Young, AICP jyoung@edinburgh.in.us

BZA Staff Report

To: EDINBURGH BOARD OF ZONING APPEALS
From: Julie Young, AICP, Planning Director
Date: March 6, 2024
Re: Case ZB 2024-02V REQUEST FOR VARIANCE FROM DEVELOPMENT STANDARDS

GENERAL INFORMATION:

Applicant: John Allman
4681 W 950 N
Edinburgh, IN 46124

Agent: None

Property Address: 4681 W 950 N, Edinburgh, IN 46124

Property Owner: John G. & Rhonda L. Allman, 4681 W 950 N, Edinburgh, IN 46124

Property Number: 03-05-04-000-000-408.009

Legal Description: Lot 1 – Allman Minor Subdivision

Acreage: 1.69 acre (approximately 73,616 Square Feet.)

Lot Size: 200' x 340' (approximately)

Zoning: R-3 Medium-Low Density Residential & Two-Mile Territorial Jurisdiction

Land Use: Single-Family Dwelling

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

SURROUNDING ZONING:

North: R-4:
South: R-3:
East: R-3:
West: R-1:

SURROUNDING LAND USE:

Agricultural
Residential
Residential
Agricultural

REQUEST:

Case ZB 2024-02V Petitioner is requesting a variance from the Developmental Standards of Division 11, §156.271 Word Definitions of the Town of Edinburgh Zoning Ordinance to allow a 60'x60' accessory structure with 18' side walls in the rear yard. In addition, the capacity of the structure is more than two motor vehicles on the property commonly known as 4681 W 950 N, Edinburgh, IN 46124.

PROJECT LOCATION:

The subject property is located at 4681 W 950, Edinburgh, IN 46124. The property is located outside the corporate limits of the Town of Edinburgh, but it is within its two-mile territorial jurisdiction for the purpose of planning, zoning and land uses.

**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:

Edinburgh's two-mile territorial jurisdiction was established for the purpose of exercising jurisdiction for planning and zoning to control development of surrounding real estate for subdivisions, multi-family residential, commercial or industrial purposes for the properties located in the immediate proximity to the Town's municipal boundary.

The purpose for the establishment of the six districts designated for residential use 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. This property exists outside the corporate limits of the Town of Edinburgh but is within its two-mile territorial jurisdiction for the purpose of planning, zoning and land uses. The Planning Department is responsible for reviewing development in this area for compliance to our zoning standards before issuing a letter of Buffer Approval for the project.
2. Town of Edinburgh Zoning Ordinance, Division 11, Section 156.271 establishes the definition of a "ACCESSORY USE OF Structure" A building or use which (a) is subordinate to and serves a principal building; (b) is subordinate in area (area is defined as the occupied first floor living area of a building), extent, or purpose of the principal building; (c) contributes to the comfort, convenience, or necessity of occupants of the principal building; (d) is located on the same lot as the principal building, with the single exception of such accessory off-street parking facilities which are permitted to locate elsewhere; and (e) accessory building shall be no higher than 18 feet above ground level.
 - Petitioner is seeking a variance to construct a sixty (60') foot by sixty (60') foot accessory structure (3,600 square feet). The first floor finished square footage of the principal building is 2,318 square feet per the Bartholomew County Elevate website data.
3. Town of Edinburgh Zoning Ordinance, Division 11, Section 156.271 establishes the definition of a "PRIVATE GARAGE" as: "An accessory building with capacity for not more than two (2) motor vehicles per family, provided that said accessory building shall be no larger than 24-feet by 30-feet with 9-foot sidewalls."
 - Petitioner is seeking a variance to construct a sixty (60') foot by sixty (60') foot accessory structure having fourteen (18') foot side walls. The accessory structure will provide capacity for more than two (2) motor vehicles.
4. Division 2, Table 2 of §156.037 of the Edinburgh Zoning Ordinances establishes the following district standards for accessory structures constructed on property designated as R-3 Medium-Low Density Residential:
 - Minimum side set back of 5' (five feet)
 - Minimum rear set back of 5' (five feet)
 - Maximum height of 18' (eighteen feet)

Petitioner provided a site plan without dimensions, however the lot is 1.69 acres. The proposed site plan appears to conform to the Zoning Ordinance setback minimums on the East, South and West property lines. The petitioner will need to confirm that the proposed structure is a minimum of five (5) feet from the North property line to conform to the minimum required setback distances established in the Zoning Standards for an accessory building.

5. The proposed use of the accessory structure is for vehicle and equipment storage to support and contribute to the comfort, conveniences and necessity of the occupants of the principal buildings on this property.

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 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 be issued a Buffer Approval letter from the Town of Edinburgh Planning Department and submit application for a Building Permit issuance from the Department of Technical Code Enforcement of Columbus/Bartholomew County as applicable.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Julie Young', is written over the printed name.

Julie Young, AICP
Planning Director
Town of Edinburgh