



Town of Edinburgh

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: June 5, 2024

Re: Case ZB 2024-06V REQUEST FOR VARIANCE FROM DEVELOPMENT STANDARDS

GENERAL INFORMATION:

Applicant: Marshall & Stephanie Gioscio
606 South Main Street
Edinburgh, IN 46124

Agent: None

Property Address: 606 S. Main St, Edinburgh, IN 46124
604 S. Main St, Edinburgh, IN 46124

Property Owner: Marshall & Stephanie Gioscio, 606 S. Main St., Edinburgh, IN 46124
Hobdy Rental Properties LLC, 7956 E State Road 252, Edinburgh, IN 46124

Property Number: 41-12-34-033-092.000-002
41-12-34-033-125.000-002

Legal Description: Main & County Line Admin Sub Lot 1, Lot 2

Acreage: 0.298 acres / 0.221 acres

Zoning: LB – Local Business

Land Use: Residential

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

SURROUNDING ZONING:

North: LB – Local Business

South: LB – Local Business

East: R4- Medium Density Residential

West: LB – Local Business

SURROUNDING LAND USE:

Commercial/Residential

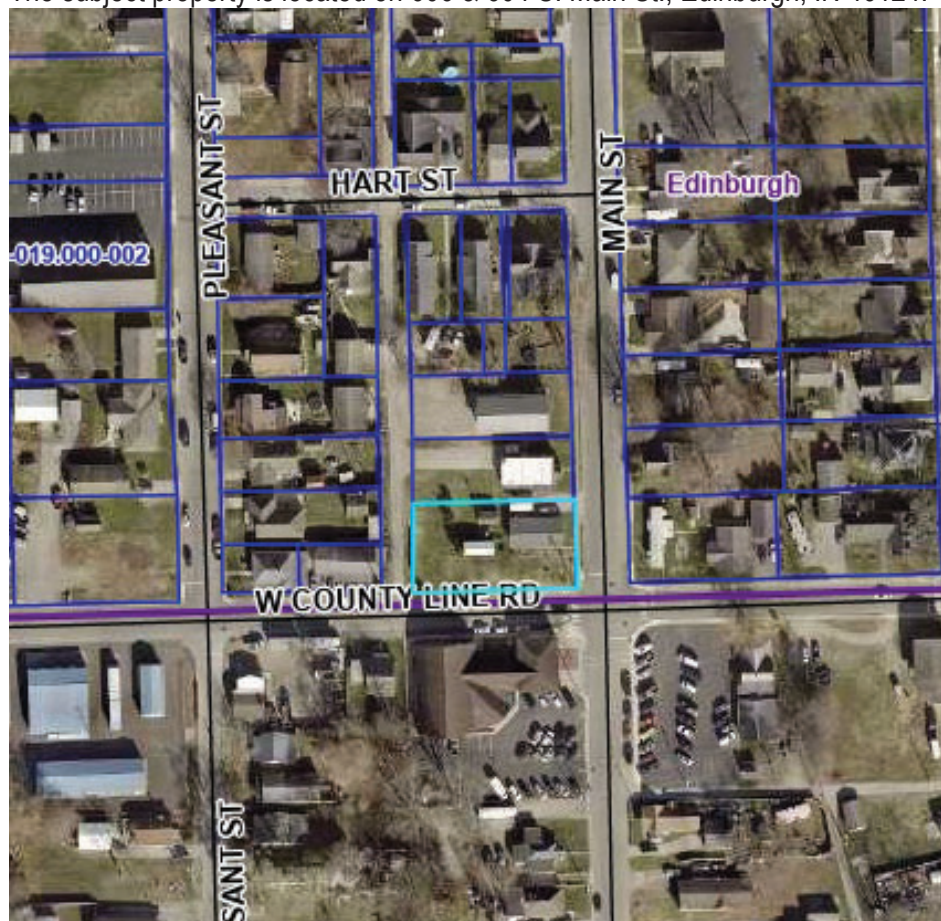
House of Worship

Residential

Residential

PROJECT LOCATION:

The subject property is located on 606 & 604 S. Main St., Edinburgh, IN 46124.



REQUEST:

Case ZB 2024-06V Marshall and Stephanie Gioscio. A request for a Variance from Developmental Standards from the Town of Edinburgh Zoning Ordinance Division 2, Section 156.037, Table 2, District Standards, to allow for a zero-foot side yard setback for an accessory building on property commonly known as 606 S. Main Street, Edinburgh, IN 46124 and to allow for a five-foot side yard setback for a primary structure on property commonly known as 604 S. Main Street, 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.

ZONING ORDINANCE STANDARDS:

Districts designated for residential use, "R-1", "R-2", "R-3", "R-4", "R-5, and "R-6: are limited to dwellings and public and semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these six districts is to create an attractive, stable, and orderly residential environment. However, the density standards, dwelling types and the lot and yard requirements are different in the each of the six districts to provide for the various housing needs and desires for citizens. In no case shall there be more than one principal building used for residential purposes and its accessory buildings located on one lot, except as otherwise provided in this ordinance.

requirements are different in the each of the six districts to provide for the various housing needs and desires for citizens. (Section 156.029, Zoning Ordinance)

CASE DESCRIPTION:

The Board of Zoning Appeals is to consider a development standards variance petition by Marshal and Stephanie Gioscio to allow for a zero-foot side yard setback on property commonly known as 606 S. Main Street, Edinburgh, IN 46124. The petitioner is planning to purchase five (5) feet from their neighbor to the north to correct a boundary error. Their driveway and carport are partially on the property of their neighbor to the north.

The land purchase creates the need for two (2) variance approvals. First, 606 S Main St. will have a zero-side yard setback from the north property line as opposed to the required five (5) foot side yard setback for an accessory building. Second, 604 S. Main St. will have an approximately five (5) foot side yard setback as opposed to the required ten (10) foot side yard setback for a primary structure.

The Gioscio's and their neighbor plan to proceed with an administrative subdivision should the variance requests be approved. The subdivision plat cannot be approved without the variances as the lots must meet the standards of the Zoning Ordinance.

CASE CONSIDERATIONS:

1. The 606 S. Main St. property contains a driveway and carport that extend across the property line to the north.
2. The Gioscio's have agreed to purchase five (5) feet of land from their neighbor to the north to correct this issue. The need for the variances was discovered when the surveyor began discussions with the Planning Department.
3. The proposed property line creates the need for two variance approvals prior to the approval of the plat. The properties at 606 S. Main St. and 604 S. Main St. will not meet the required side yard setbacks.
4. First, 606 S Main St. will have a zero-side yard setback from the north property line as opposed to the required five (5) foot side yard setback for accessory buildings. Second, 604 S. Main St. will have an approximately five (5) foot side yard setback as opposed to the required ten (10) foot side yard setback for primary structures.
5. The existing property line is approximately fifteen (15) feet north of the residence at 606 S Main St and goes thru the driveway and carport. The existing property line is approximately ten (10) feet south of the primary structure at 604 S. Main St.
6. The required minimum setbacks for properties within the LB – Local Business District are:
 - a. Front Yard – 25'
 - b. Side Yard – 10'
 - c. Rear Year – 20'
7. This is an existing condition that the owners are attempting to correct through an exempt/administrative subdivision. This subdivision is the sale of land between adjoining land owners, and no additional lots are being created.



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. The approval will not be injurious to the public health, safety, 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. The use and value of the area adjacent to the property included in the variance will not be affected in substantially adverse manner;

STAFF FINDINGS:

Adjacent properties to the subject property will not be affected in a substantially adverse manner.

3. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property; and

STAFF FINDINGS:

The strict application of the ordinance will result in a practical difficulty in the use of this 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 is 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 submit an administrative plat for review and record an approved administrative plat within two (2) years of the date of the BZA Findings of Fact;

Respectfully Submitted,



Julie Young, AICP
Planning Director
Town of Edinburgh