

# Findings of Fact

Town of Pittsboro, Indiana Board of Zoning Appeals

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**To:** Steve Maple  
**From:** Rachel L. Cardis  
**Subject:** June 19, 2023 Board of Zoning Appeals  
**Date:** 6/28/2023  
**CC:** Jason Love, Town Manager

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**Applicant:** Amanda Kilby  
**Location:** 542 Poplar Drive; Pittsboro, IN 46167  
**Parcel Size:** 0.39/Acre  
**Zoning:** R-4 Residential  
**Purpose:** Finding of Fact for Petition 2023-BZA-01

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## FINDINGS OF FACT OVERVIEW

Under IC 36-7-4-918.2, the Board of Zoning Appeals shall approve or deny all special exceptions, special uses, contingent uses, and conditional uses from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance. The board may impose reasonable conditions as part of its approval.

The Board of Zoning Appeals of the Town of Pittsboro, having heard the application for a Development Standard Variance and all opposition from parties claiming to be adversely affected thereby, all witnesses having first been duly sworn under oath subject to penalties for perjury, does now enter the following findings:

### VARIANCE FROM DEVELOPMENT STANDARDS (IC 36-7-4-918.5)

A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. The board may impose reasonable conditions as a part of the board's approval. A variance may be approved under this section only upon a determination in writing that:

On June 19, 2023, the Pittsboro Board of Zoning Appeals voted 5-0 to approve a Development Standard Variance request with conditions submitted by Amanda Kilby at 542 Poplar Avenue, Pittsboro, IN 46167:

**Variance Request:** To reduce the required front yard setback to 11 feet, 6 inches to the east property line, as opposed to the required Front Yard Setback of 25' feet to a Subdivision Street.

**Condition 1)** The proposed detached garage as depicted on the attached aerial site plan shall be built no closer than 11 feet 6 inches to the east property line.

**Condition 2)** The Petitioner shall apply for and obtain all necessary demolition and building permits from the Town of Pittsboro Building Commissioner for the demolition of the existing garage located on the northern portion of the property. The existing garage will need to be demolished prior to the Certificate of Occupancy is requested or issued for the new garage addition.

**Condition 3)** The Property Owner shall sign the Acknowledgement of Variance document prepared by the Planning Staff within 60 days of this approval. Staff will then record this document against the property in the Office of the Hendricks County Recorder.

**Condition 4)** Any downspouts to the new structure and existing house must be routed directly to the storm drain in the front yard, in order to keep water off neighboring properties.

**Application Date:** May 23, 2023 (The applicant submitted a complete application after conducting an in-person meeting with Town Planner, Rachel Cardis.

**Hearing Date:** June 19, 2023

In its deliberations, the Board weighed the evidence associated with the following requirements and made the following findings:

**FINDING OF FACT**

On June 19, 2023, the Board of Zoning Appeals determined the following written findings of fact based on the following statutory requirements:

***Statutory Criteria 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***

The proposed garage addition will not pose any threat to the public health, safety, morals and general welfare of the community. The new garage addition will adhere to all applicable International Building Codes and conditions set forth by the granting of the subject variance.

**Statutory Criteria 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

The proposed garage addition represents a consistent residential use commonly found within Northwood Subdivision. The proposed square footage and height of the new garage addition are harmonious to the use and value of the adjacent residential uses found in the immediate area within Northwood Subdivision.

**Statutory Criteria 3. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.**

In review of the subject property, the applicant has demonstrated practical difficulty based on the irregular shape of property and existing infrastructure (gas line, driveway) which service the property. The primary reasoning for the placement and location of the new garage addition on the southeast portion of the property, is based on the existing garage which encroaches an established gas line, thereby, unable to rebuild the garage in the north location.

### **CONDITIONS**

The subject Development Standard Variance applies and runs with the subject parcel located at 542 Poplar Avenue, Pittsboro, Indiana 46167 with the following conditions:

Condition 1) The proposed detached garage as depicted on the attached aerial site plan shall be built no closer than 11 feet 6 inches to the east property line.

Condition 2) The Petitioner shall apply for and obtain all necessary demolition and building permits from the Town of Pittsboro Building Commissioner for the demolition of the existing garage located on the northern portion of the property. The existing garage will need to be demolished prior to the Certificate of Occupancy is requested or issued for the new garage addition.

Condition 3) The Property Owner shall sign the Acknowledgement of Variance document prepared by the Planning Staff within 60 days of this approval. Staff will then record this document against the property in the Office of the Hendricks County Recorder.

Condition 4) Any downspouts to the new structure and existing house must be routed directly to the storm drain in the front yard, in order to keep water off neighboring properties.

### **DECISION**

Based on the findings described above the Board of Zoning Appeals does now approve by a 5-0 vote on the subject application on June 19, 2023.

BY:   
Chairperson

Attest: 