



BOARD OF ZONING APPEALS STAFF REPORT

Application No: 2023-BZA-01

Meeting Date: June 19, 2023

Subject: Development Standards Variance-R-4 Front Yard Setback
Subdivision Street – 25' Feet

Summary: Petitioner requests a development standard variance:
1. 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.

Petitioner: Amanda Kilby

Location: 542 Poplar Drive
Pittsboro, IN 46167

Parcel Size: 0.397 acres

Existing Zoning: R-4 Residential

Recommendation: 1. Approval with conditions

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Procedure

The Board of Zoning Appeals (BZA) may authorize variances from the terms of the Unified Development Ordinance (UDO) pursuant to the criteria specified in Indiana Code. A development standards variance is designed to adjust the regulations of the UDO to the land for which the variance is granted. Development standards variances may apply to such items as height, area, parking, or landscape requirements. Once granted, a development standards variance shall run with the land.

The BZA is required to hold a public hearing as part of the consideration of a development standards variance. Prior to the public hearing, notice of such hearing must be published one time in The Republican newspaper and mailed to neighboring property owners to a depth of 660 feet or two ownerships, whichever is less. Notice of the public hearing for this petition was properly advertised in The Republican on June 1, 2023 and mailed to neighboring properties on June 2, 2023.

After the public hearing, the BZA shall either approve, approve with conditions, or deny the variance request. The BZA must make its determination in written findings of fact based on the following statutory requirements:

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

Town Staff Planner Comment: 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.

- 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.**

Town Staff Planner Comment: 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.

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

Town Staff Planner Comment: 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.

The BZA may impose reasonable conditions or require written commitments as part of the approval of the variance request.

Correspondence

A Technical Review Committee meeting was not held for this petition given the limited extent of the proposed construction.

As of writing this report, staff hasn't received any comments from the public.

Summary

The property is in the R-4 Residential District. states:

Front Setback from Subdivision Street – 25' Feet

In the R-4 Residential District, the minimum front setback from a subdivision street (Poplar Drive) is 25 feet. However, in this instance, the property has demonstrated the statutory criteria based on the several physical constraints that exist on the property. Foremost, the subject property is irregularly shaped located on the southwest curvature of Poplar Drive, the irregular shaped lot on the curvature contains existing elongated portions of the property which do not lend to conventional sized additions or structures. Additional physical constraints and demonstrated reasoning behind the sought development standard variance request include the existence of a gas line easement which runs underneath the existing garage and prevent the owners to tear down and rebuild the existing garage on the same location.

Attachments

1. Site Plan
2. Aerial Location Map
3. Application

Recommendation

1. Staff recommends approval of the requested development standards variance to reduce the required front yard setback for a proposed attached garage, with the following conditions:
 - a. 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.
 - b. 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.
 - c. 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.

Findings of Fact

NOTE: These are suggested Findings of Fact to correspond with staff's recommendation. The Findings of Fact can and should be amended by the Board as necessary to ensure all statements are factual and clearly dictate that the criteria can or cannot be met, based on the public hearing and board discussion.

After the public hearing, the BZA shall either approve, approve with conditions, or deny the variance request. The BZA must make its determination in written findings of fact based on the following statutory requirements:

Development Standard Variance Request 1- Front Yard Setback

The property owner, Amanda Kilby, requests the placement of a new garage addition to be 11 feet 6 inches from the east property line which is determined to be the Front Yard Setback. Per the Unified Development Ordinance (UDO), the Front Yard Setback in the R-4 Zoning District is 25 feet from an established subdivision street.

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

Town Staff Planner Comment: 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.

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

Town Staff Planner Comment: 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.

- 4. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.**

Town Staff Planner Comment: 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.