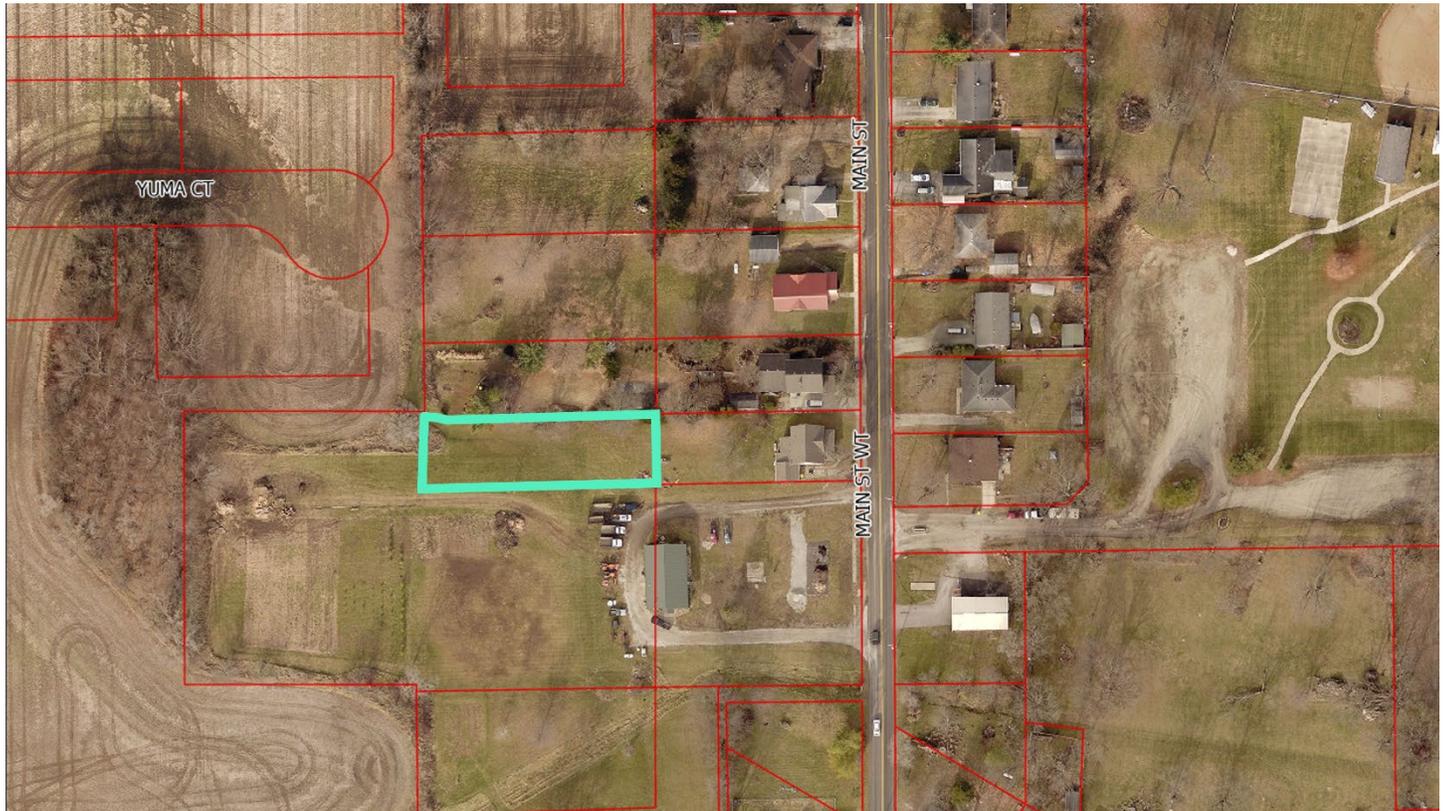




Staff Report BZA21-004-VA

202 N Main Street Frontage and Lot Width Variances

Docket BZA21-004-VA 202 N Main Street Frontage Variance. The petitioner is requesting two variances to construct a primary structure on a parcel with 0 feet street frontage where the minimum required is 50 feet and a minimum lot width of 64.19 feet where the minimum required is 70 feet located at the property 202 North Main Street in Whitestown. The applicant and owner is Braden Nicholson.



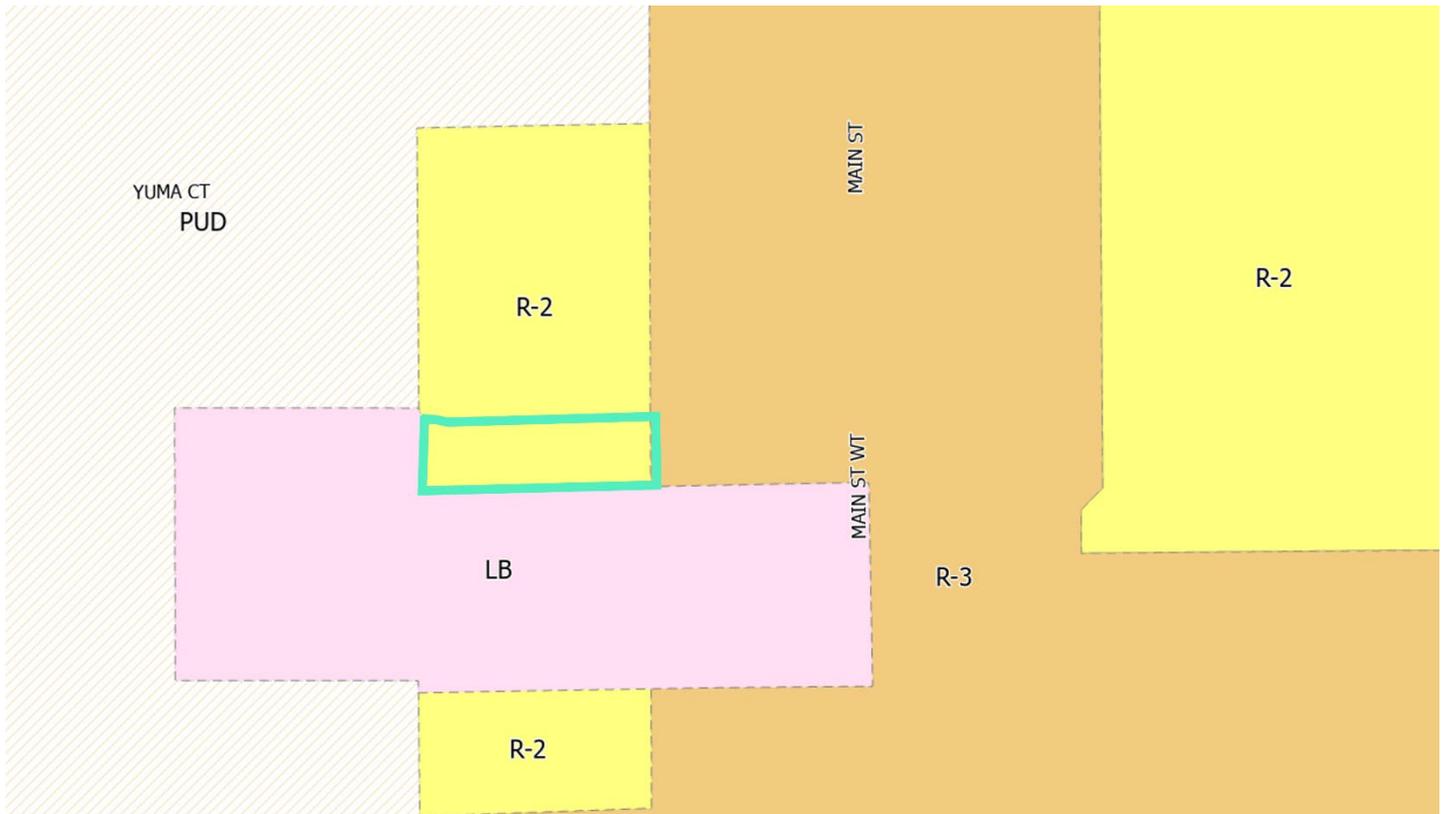
Site Location

The scope of this project is to request two variances from the street frontage regulations and the lot width regulations listed in Section 2.3 of the Unified Development Ordinance. The site is located north of the Legacy Core on the west side of Main Street. The surrounding area is characterized by residential, commercial, and recreational uses.

The parcel is landlocked behind a parcel with street frontage on Main Street. The applicant owns both parcels. There are no existing structures on site and topography is relatively flat.

Zoning

The site is zoned R-2. The R-2 District is “a low-density single-family district, which could include two-family dwellings with development plan approval. This district is primarily suited for suburban residential dwelling in areas contiguous to the urban centers of the town.” Permitted uses within this district include single and two-family dwellings, government buildings, and farms.



Background and History

1. There is no applicable background or history for the site in question.

Unified Development Ordinance

Section 2.2 B:

	R1	R2	R3	R4	MF
B. Lot Requirements					
Maximum Density (units/acre)	1.0	1.75	3.0	7.0	22.0
Minimum Lot Size (s.f.)					
Single-Family Dwelling	12,000	9,000	6,000	4,200	N/A
Multi-Family Dwelling (s.f. per dwelling unit)	N/A	4,500	3,000	2,100	1,800
Minimum Lot Width	90'	70'	50'	40'	100'
Minimum Lot Frontage/Street Frontage (1)	50'	50'	40'	30'	80'

Proposed Development

The petitioner requests a variance from the minimum lot frontage/street frontage to construct a primary structure with 0 street frontage where the minimum required is 50 feet. The petitioner is also requesting a variance from the minimum Lot Width to construct on a legal non-conforming lot where the lot width is 64.19 feet and the minimum required is 70 feet.

The applicant has submitted materials that indicate the following:

- The proposed structure will be used as a guest house for the front parcel on Main Street;
- The proposed structure will have a gravel driveway with access on Main Street through the front parcel;
- The proposed structure is approximately 3,200 square feet comprising of a residence and attached garage;
- The proposed structure meets side, front, and rear setbacks.

Decision Criteria

Per the Zoning Ordinance, *Section X.C.5.a(3)* the Board of Zoning Appeals shall use the following three decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.5, when taking action on all variance requests:

1. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
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.
3. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property seeking the variance.

Only upon written findings satisfying each element shall the variance be approved.

Petitioner's Proposed Findings

1. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community because:
Guest house will be given it's own dedicated driveway, allowing full access for fire/safety vehicles. Guest house will be built complying with all local standards and safety in mind. Guest house will be of a high aesthetic value, complimentary to the style of the very recent improvements given to the existing property on the front lot.
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 because:
Guest house will increase the value of the property an estimated \$250-300k. Guest house will cause a positive increase in the taxable base. Guest house will offer ample inside parking to keep the surrounding area free of cars and clutter. Guest house will be built in modern farmhouse style with complimentary aesthetic appeal in mind.
3. The strict application of the terms of the zoning ordinance will result in unusual and unnecessary hardship as applied to the property for which the variances are sought because:
Without an exception to the variance, the back lot will remain relatively useless and the front lot will have to bear the brunt of cars, tool and mower storage buildings, etc. It is our desire to have the grounds extremely clean, well-groomed and clutter free. We believe that allowing access to the back lot in this manner will make this package of lots significantly more valuable and certainly more visually appealing.

Staff Recommendation

Staff recommends the two variances be approved with the following finding of facts for the variance request:

1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community because:
Approval of the two variances will not be injurious to the public health, safety, morals, and general welfare because the intended use of the site is in character with the surrounding area.

2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:
The use or value of the surrounding area will not be negatively affected if the two variances are approved. The surrounding area is primarily single-family residential and the applicant is proposing to construct a single-family residence that conforms with the character of the surrounding area.

3. The strict application of the terms of the Ordinance will constitute an unusual and unnecessary hardship as applied to the property for which the variances are sought because:
The lot is a legal non-conforming lot with no street frontage and a lot width does not meet the requirements of the ordinance. The parcel faces a hardship given its location and dimensions that are not the fault of the owner. Adhering to the requirements of the ordinance would constitute as an unnecessary hardship because the lot is unusual and legal non-conforming.

Staff Comments

If the Board of Zoning Appeals approves the variance requests, staff recommends adding conditions to the approval including:

- The applicant should record an access easement with Boone County to access the back lot through the front lot on Main Street. The easement should be a minimum of 12 feet wide and be recorded prior to building permits being approved.

Materials Submitted by the Applicant

