



MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS August 9, 2016

The Regular meeting of the Zionsville Board of Zoning Appeals was scheduled Tuesday, August 9, 2016 at 6:30 p.m. in the Bev Harves Room at Zionsville Town Hall, 1100 West Oak Street.

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the July 12, 2016 Meeting Minutes
- IV. Continuance Requests - None at this time
- V. Continued Business - None at this time
- VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2016-19-DSV	Cobble Creek	9085 E. Oak Street	Approved 5 in Favor 0 Opposed Petition for Development Standards Variance to
2016-20-DSV	PL Properties LLC	8250 E. 100 South	Approved with Conditions and Commitments 5 in Favor 0 Opposed Petition for Development Standards Variance to provide for 4 (four) lots with a lot width to depth ratio exceeding 3 to 1 in the (R1) Rural Residential Zoning District

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
2016-15-SE	McDavitt	9944 E. State Road 32	Right to Farm Form Completed
2016-10-UV	W. Totty	665 W. Laurel Ave.	Findings of Fact for review Executed

Respectfully Submitted:
Wayne DeLong AICP
Town of Zionsville
Director of Planning and Economic Development

August 10, 2016



Petition Number: 2016-19-DSV

Subject Site Address: 9085 E. Oak Street

Petitioner: Pulte Homes of Indiana, LLC

Representative: Tim Ochs

Request: Petition for Development Standards Variance to deviate from the required front yard setbacks in the (R1) and (R2) Rural Residential Zoning District

Current Zoning: (R1) and (R2) (Rural) Low Density Single Family and Two Family Residential

Current Land Use: Residential

Approximate Acreage: 99.671 acres

Zoning History: 2016-37-PP and 2016-38-DP (both pending)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Proposed Site Plan
Exhibit 4 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will be heard at the August 9, 2016 Board of Zoning Appeals meeting. Both the Primary Plat Petition (2016-37-PP) and Development Plan Petition (2016-38-DP) are docketed for hearing at August 15, 2016 Plan Commission meeting.

PROPERTY HISTORY

The overall subject site is improved with two (2) single-family dwellings. These dwelling will be demolished as the project progresses.

ANALYSIS

As proposed, the site is requested to be improved with 105 single family residences (scheduled to be presented to the Plan Commission for consideration at its August 15, 2016 hearing).

FRONT YARD SETBACK

By Ordinance, property in the Rural district is required to provide for a minimum front yard setback of either 70 feet from the center line of the road OR 20 feet from the right-of-way (whichever is greater). As proposed, the development would provide for a minimum front yard setback of 20 feet from the proposed right-of-way for side load and courtyard garages, and for 25 feet from the right of way for front load garages. As the ordinance standard mandates the "greater" of the two standards, technically the development (as proposed) would need relief from the standard in order to construct the proposed improvements.

Staff is supportive of the request to provide for the proposed minimum front yard setbacks:

25-foot front yard setback from the proposed right-of-way (only), single-family dwelling utilizing a front load garage

20-foot front yard setback from the proposed right-of-way (only), single-family dwelling utilizing a side load garage or courtyard garage

In the opinion of staff, the proposal meets the intent of the ordinance and adequate separation from the public way will be provided with a minor adjustment to the minimum setback requested based on use of front load garage versus a side load garage. Staff has come to the conclusion that the 70 foot standard is a useful standard for situations where platted right-of-way does not exist (in the case of a parcel's legal description to the center line of a roadway). Further, the Town, who assumed zoning authority over this area in 2010, requires the platting of a 60 foot wide right-of-way (County standard is 50 feet). The additional right-of-way (beyond what the former zoning authority required) provides for additional separation between the traveling public, the public way, and private improvements constructed parallel to the right-of-way.

Further, the Petitioner's inclusion of the 25-foot front yard setback as related to front loaded garages addresses staff's ongoing concern with the resulting length of a driveway when

associated with a front load garage attached to a single-family dwelling. A 20-foot setback, in some cases when associated with a front load garage, has the potential to result in vehicles protruding into the travel lane of the public way (in the event that vehicles are parked bumper to bumper in a driveway).

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

- a) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- b) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*
- c) *the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:*

Proposed Findings of Fact are attached for the Board of Zoning Appeal’s consideration.

STAFF RECOMMENDATION

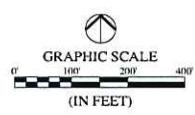
Staff recommends approval of the petition as filed.

RECOMMENDED MOTION

I move that Docket #2016-19-DSV design standards variance in the Rural R1 and R2 Zoning District to deviate from the required front yard setbacks in the (R1) and (R2) Rural Residential Zoning District for the subdivision located at 9085 E. Oak Street be (Approved, based on the finding and based upon staff report and presentation / Approved, based on the finding as presented / Denied / Continued).



Exhibit 3



RUSSELL LAKE
 OVERALL PLAN
 ZIONSVILLE, BOONE COUNTY, INDIANA
 JULY 6, 2015

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

- 1. The grant (~~will~~ **will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed setback of 20 feet or 25 feet will provide for front yards and open space for single family homes that are adequate in size to allow for all necessary utilities, infrastructure and landscaping.

- 2. The use or value of the area adjacent to the property included in the variance (~~will~~ **will not**) be affected in a substantially adverse manner because:

The variance will not cause a significant reduction in the front yard required by the zoning ordinance, and a 20' or 25' foot front yard is large enough that it will have no impact on the area adjacent to the proposed subdivision.

- 3. Strict application of the terms of the zoning ordinance (**will** / ~~will not~~) result in unnecessary hardships in the use of the property because:

The subdivision is a planned project that will include only single family uses. As a result, it is highly unlikely that additional right of way will ever be necessary. Using a setback from the centerline of the right-of-way, therefore, is unnecessary and represents hardship in the use of the property, as current homebuyers do not want large front yards and the maintenance that comes with such a large front yard.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 201__.



Petition Number: 2016-20-DSV

Subject Site Address: 8250 E. 100 South

Petitioner: PL Properties, LLC

Representative: Nick Churchill

Request: Petition for Development Standards Variance to provide for 4 (four) lots with a lot width to depth ration exceeding 3 to 1 in the (R1) Rural Residential Zoning District

Current Zoning: (R1) Rural Low Density Single Family and Two-Family Residential Zoning District

Current Land Use: Residential

Approximate Acreage: 32.31 Acres

Zoning History: 2016-41-MP (Pending)

Exhibits: Exhibit 1- Staff Report
Exhibit 2- Aerial Location Map
Exhibit 3 - Petitioners Site Exhibit
Exhibit 4- Petitioner's proposed Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the August 9, 2016 Board of Zoning Appeals meeting. The Minor Plat submittal is docketed for hearing at August 15, 2016 Plan Commission meeting.

PROPERTY HISTORY

The overall site is comprised of two (1) parcel totaling 32.31 acres in size and has been utilized for dwelling and agricultural purposes. Currently it is improved with accessory building formerly associated with a residential use and prior agricultural activities.

ANALYSIS

The 12.5 acre parcel is currently utilized for agricultural purposes and is intended to be subdivided to provide for four (4) building site. As contemplated, the proposed dimensions result in a lot depth to lot width ratio in excess of 3:1 (depth to width). Per the Ordinance, the maximum allowable lot depth ratio is 3:1. Note: lot depths in excess of Ordinance standards are found in proximity to the subject site (east of site, and northeast of site). The requested dimensions are described as follows:

Lot 01	Width: 296.79 ft	Max. Depth: 1322.28 ft	Acreage: 9.0
Lot 02	Width: 256.97 ft	Max. Depth: 1323.44 ft	Acreage: 7.85
Lot 03	Width: 256.97 ft	Max. Depth: 1324.61 ft	Acreage: 7.85
Lot 04	Width: 262.83 ft	Max. Depth: 1325.79 ft	Acreage: 8.0

The intention of the lot depth to width ratio is to reduce the probability of “flag lot” development-the creation of a long slender lot containing only the minimum amount of road frontage required which leads to a larger area (generally containing only the minimum amount of lot area necessary to support a dwelling).

As the condition of a deep lot with reduced road frontage is a characteristic found in east and northeast of the subject site, the request is not introducing a new characteristic into the area. With that fact in mind, staff is in support of the petition as filed. If the development characteristic was not found in the area, staff would reevaluate its support for the contemplated development.

PROCEDURAL – CONSIDERATION OF A DEVELOPMENT STANDARDS VARIANCE PETITION

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

- (a) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property.

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

STAFF RECOMMENDATIONS

Staff recommends approval of the design standards variance included in Docket #2016-20-DSV.

RECOMMENDATION MOTION

I move that Docket #2016-20-DSV design standards variance to Petition for Development Standards variance to provide for 4 (four) lots (as described in this staff report, to be established in conformance with the Subdivision Control Ordinance) with lot width to depth ratio exceeding 3 to 1 be (Approved as filed / Denied/ Continued) as presented.

PROCEDURAL NOTES

The subject site, as previously noted, is currently improved with accessory buildings. If permitted to remain, the percentage of accessory uses on the parcel may negatively impact the ability to improve a building site with a new single-family dwelling.

As a portion of the property is within the Special Flood Hazard Area (SFHA) associated with Lennox Ditch, it is subject to additional development restrictions (limitations of size, placement, and floor elevation of buildings). Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, the Boone County Surveyor, and / or the Town (in conjunctions with the Town's Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).

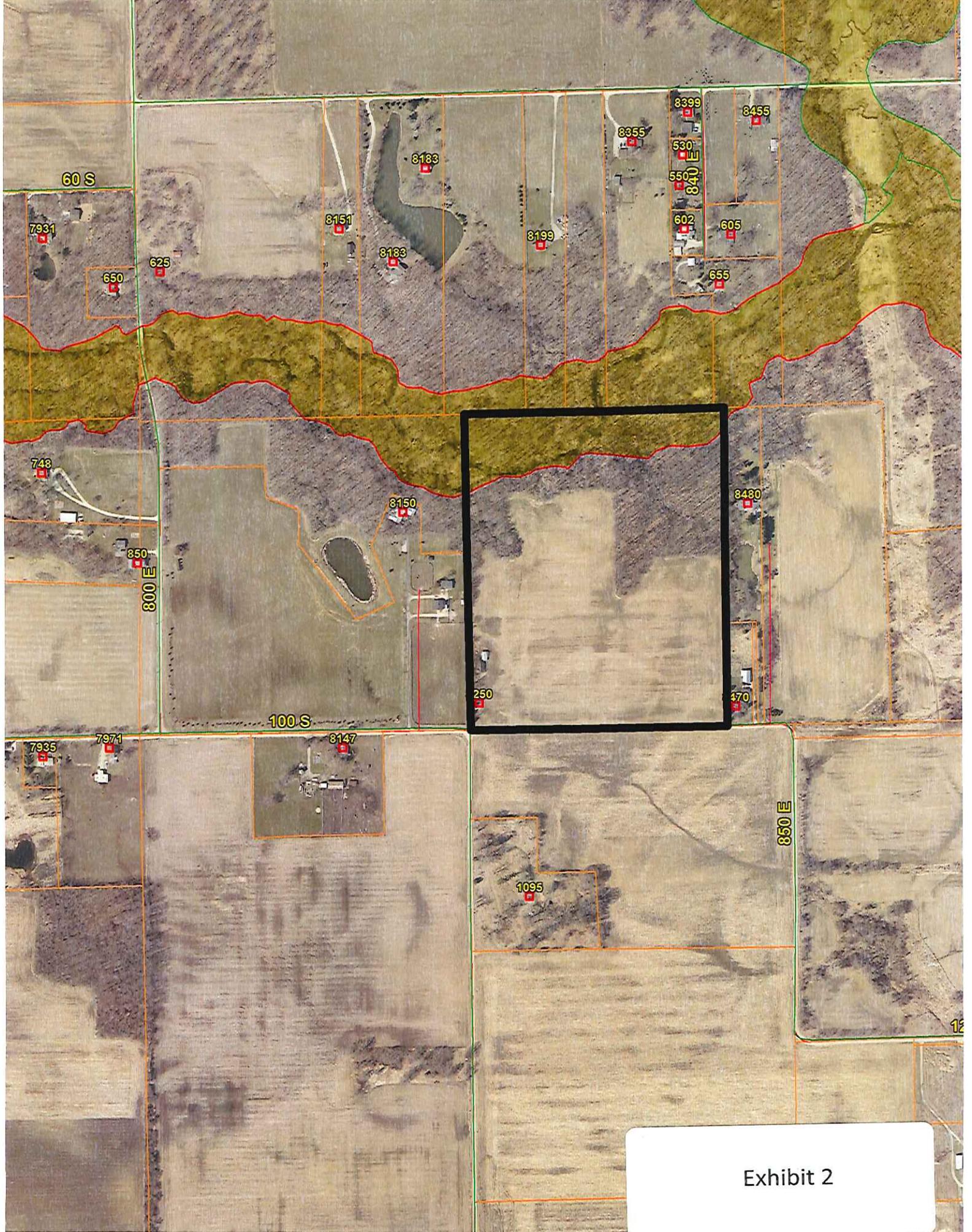


Exhibit 2

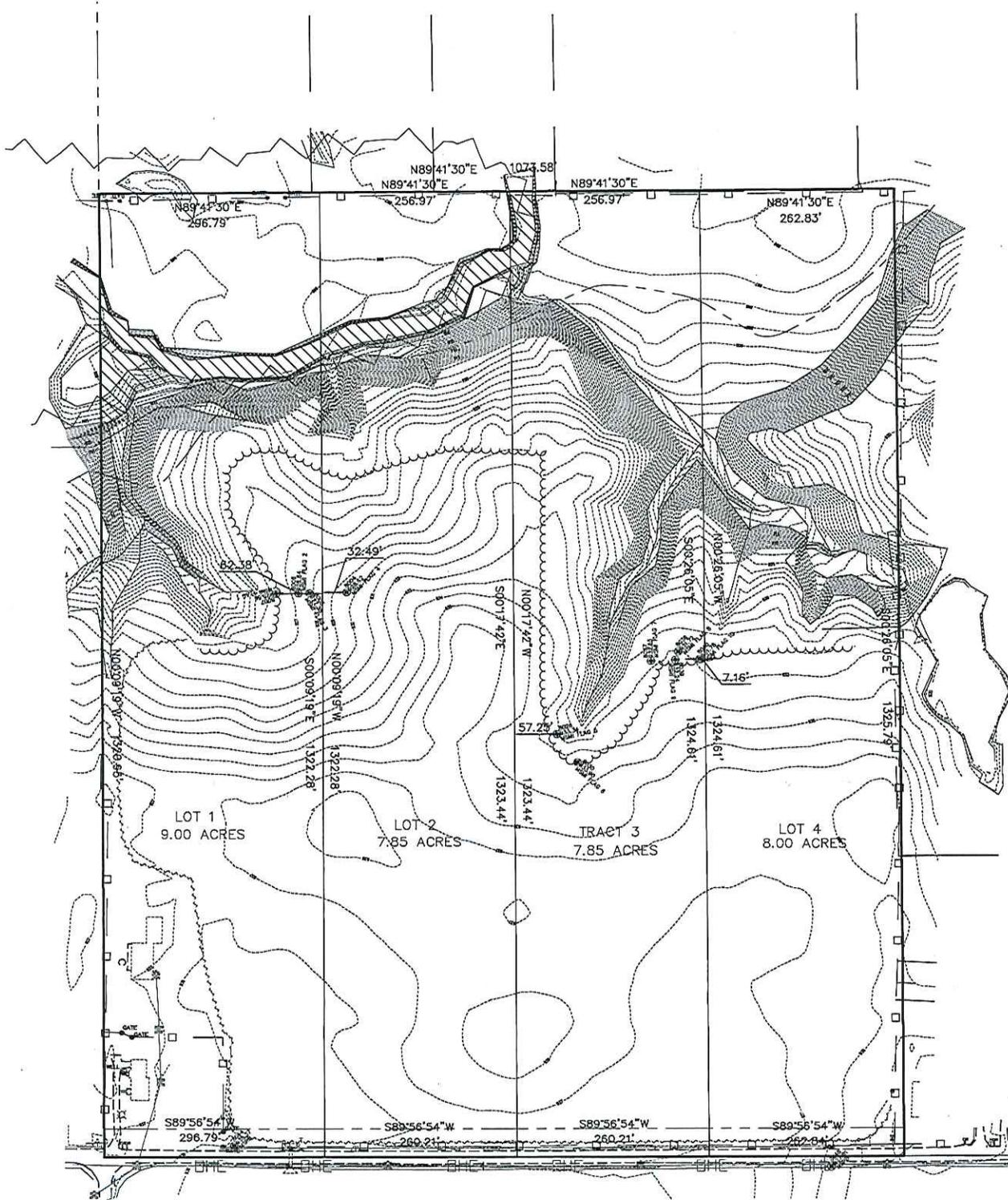


Exhibit 3

TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

- 1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:
The proposed subdivision, the resultant lot sizes and the proposed use are in line with the neighboring properties and the current rural character of the area.

- 2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:
The single family estates and the new investments they represent will positively impact the value of the area based upon current assessed values. The nature of the proposed lots will be of the existing character and further enhance the area.

- 3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

Given the depth of this parcel at approximately 1,321 linear feet the application of the 3:1 ratio requirement prevents the creation of anything less than two, 16 acre lots due to that depth whereas the R-1 zoning permits a minimum lot size of two acres.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 201__.
