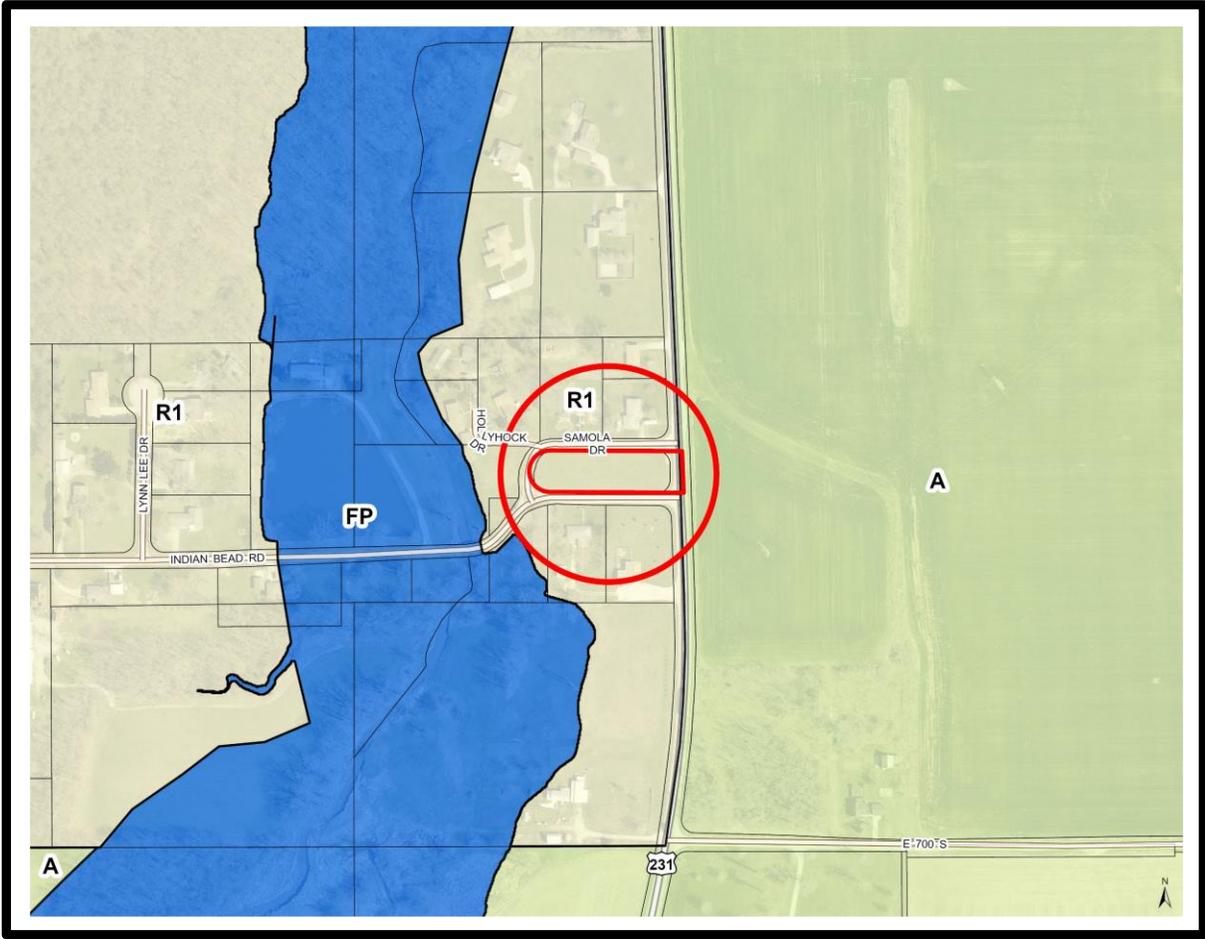

BZA-2038
BILL J. PHILLIPS
(variance)

STAFF REPORT
July 16, 2020



ZAGER
 ARCHITECTURE
 352 North Marion School Rd.
 Rensselaer, IN 47978
 ph. (219) 869-4812
 fax (219) 866-8667

PHILLIPS RESIDENCE
 LAFAYETTE, INDIANA 47909

HEREBY CERTIFY THAT THESE PLANS
 WERE PREPARED UNDER MY DIRECTION
 AND TO THE BEST OF MY KNOWLEDGE
 AND BELIEF CONFORM TO THE
 APPLICABLE BUILDING CODES AND
 ORDINANCES.

NAME: SARAH ZAGER 8AR12@076
 TITLE: PRINCIPAL

DATE	ISSUED FOR
06/22/20	OWNER APPROVAL
06/23/20	ISSUE TO OWNER
06/24/20	ISSUE TO OWNER
07/16/20	ISSUE TO OWNER

DRAWING TITLE

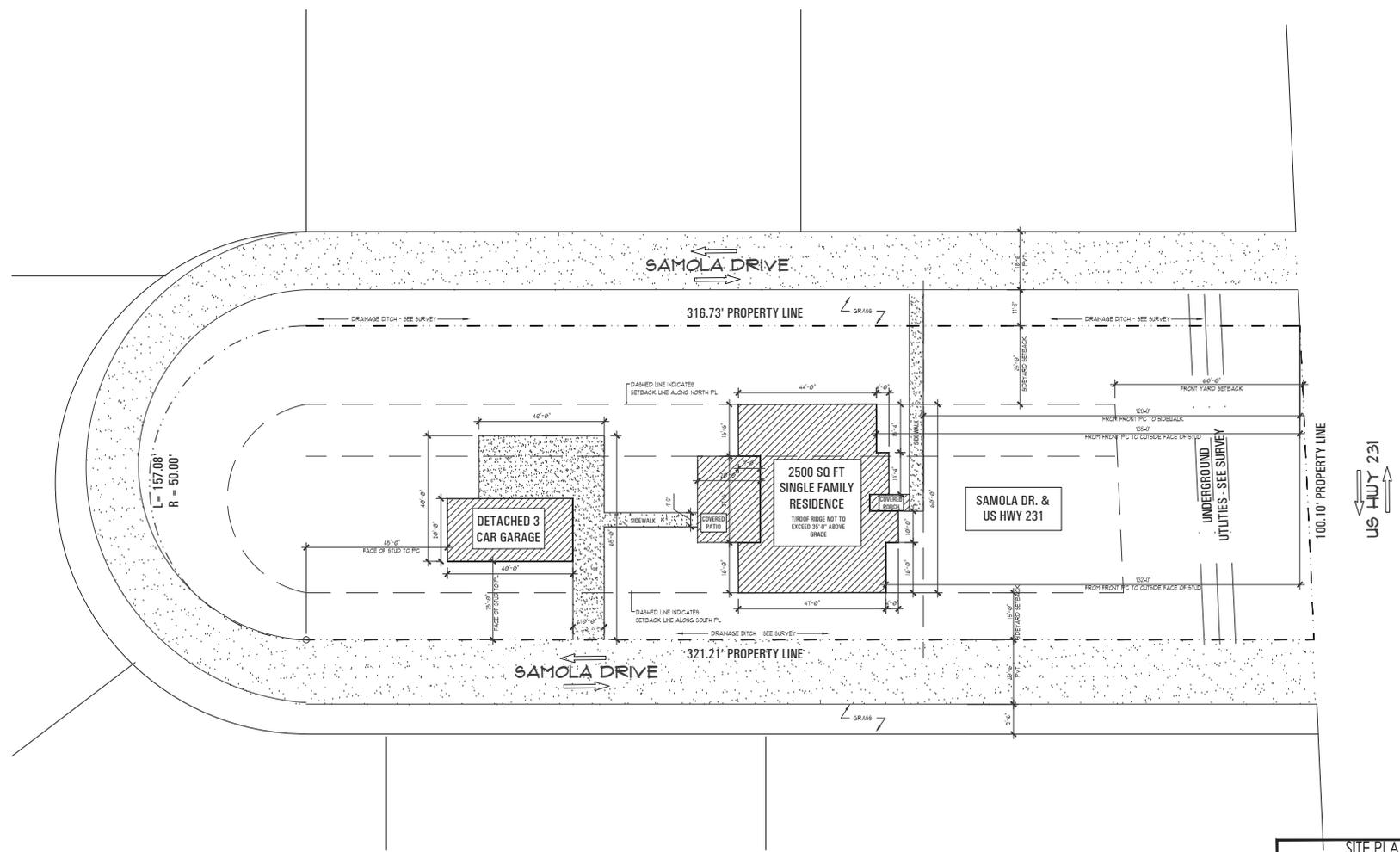
**PROPOSED
 SITE PLAN**

PROJ. NO: 2022 PROJ. START: 2020

DN. BY: SZ

CK. BY: **A1.0**

SCALE:



1 PROPOSED SITE PLAN
 1/16" = 1'-0"



- SITE PLAN NOTES**
- GRADE TO SLOPE AWAY FROM BUILDING
 - REFER TO SURVEY FOR ADDITIONAL SITE INFORMATION
 - SITE PLAN FOR THE USE OF ZONING/VARIANCE BOARD
 - ALL DIMENSIONS SHOWN ARE FROM PROPERTY LINES TO OUTSIDE FACE OF STUD

ELEVATION:
 T/SUBFLOOR = +0'-0"

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the property owner, Sharon Southern, is requesting a variance to allow a setback of 15' instead of the required 25' from the (southern) Samola Drive to build a house on 0.82 acres located at the northwest corner of US 231 and Samola Drive, specifically, 36 Samola Drive in the Sam Wilson subdivision, Wea 29 (SW) 22-4. (UZO 2-1-7)

AREA ZONING PATTERNS:

The site is zoned R1, Single-family Residential as is all surrounding property to the north, west and south. Land to the east across the highway is zoned Agricultural; Flood Plain zoning associated with the Little Wea Creek, as well as a detention pond, exists just to the west.

The Sam Wilson subdivision was created by a plat, signed by the three County Commissioners and recorded in 1953, which predated both the current Unified Subdivision Ordinance (enacted in 1979) as well as the Subdivision Control Ordinance (in effect from 1962). As such, it does not meet all the standards required of plats today. No building setbacks are shown, many of the street rights-of-way are too small to meet current county specifications, some streets, like Hollyhock Drive are actually private driveways. Also, there are places where the word "Excepted" is shown (including the site in question). However, the lots shown on the plat are considered legal building sites. The building site in question, labeled "Excepted" was created by virtue of being surrounded by rights-of-way and cut off from any other piece of land.

AREA LAND USE PATTERNS:

The site in question is undeveloped. Single-family houses are located to the north, and south of the property; more houses exist to the west of the detention pond. Land to the east is farmed. A single-family house and a three-car detached garage are proposed.

TRAFFIC AND TRANSPORTATION:

US 231 S is classified as a primary arterial by the adopted *Thoroughfare Plan*. Samola Drive, a U-shaped county road is a local, paved road within a 30' right-of-way that surrounds the lot in question on three sides. The three-car detached garage shown on the site plan has a 10' wide access from the southern branch of Samola Drive. The garage would be constructed to meet the required 25' front setback.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The lots in the subdivision are on individual septic systems and wells. The site in question, at 0.8228 acres (35,841 square feet) meets the 30,000-square foot lot area requirement for an R1-zoned lot with septic and well. According to the county health department, “they have had soil work done on a couple of lots to the front and have limited space” for a septic system.

STAFF COMMENTS:

The unusual shape of this lot, and the fact that streets entirely surround it, creates a long, but narrow building envelope. With 25 foot building setbacks from the north, west and south, and a 60 foot setback from US 231, there is only 50’ of buildable area between the right-of-way for Samola Drive to the north and Samola Drive to the south. This might have been cause for a hardship, except houses with a dimension of 50’ or less are not uncommon. A smaller house could be constructed here without needing a variance. In fact, the main body of petitioner’s proposed house is 47’ x 60’ in area with the front facing the highway. If the planned house was turned 90 degrees, so that the 47’ dimension was running north/south and the front of the house faced the (southern) Samola Drive, the house minus the covered patio, would fit within the building envelope and no variance would be needed. While the situation is definitely unique, there does not appear to be an ordinance-imposed hardship.

Regarding the ballot items:

1. The Area Plan Commission on July 15th determined that the variance requested **IS NOT** a use variance.

And it is staff’s opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The construction of a house and detached garage here will not be a danger to the public health. Sufficient room would exist for motorists to safely exit the proposed garage driveway.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. A house and detached garage are permitted uses here; sufficient area exists for a septic system and well. The state-owned US 231 is protected by the 60’ setback.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. This lot is peculiar by virtue of its shape and because of the rights-of-way that surround it. This is not a situation one would likely find anywhere else in the R1 zone.
5. However, strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. A smaller house could be constructed here without the necessity of a variance. In fact, petitioner’s proposed house could be constructed here without a variance if it were

turned 90 degrees.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. A smaller house similar to the ranch style houses in the Sam Wilson subdivision would fit without a variance if they fronted Samola Drive instead of the highway.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because there is no hardship.

STAFF RECOMMENDATION:

Denial