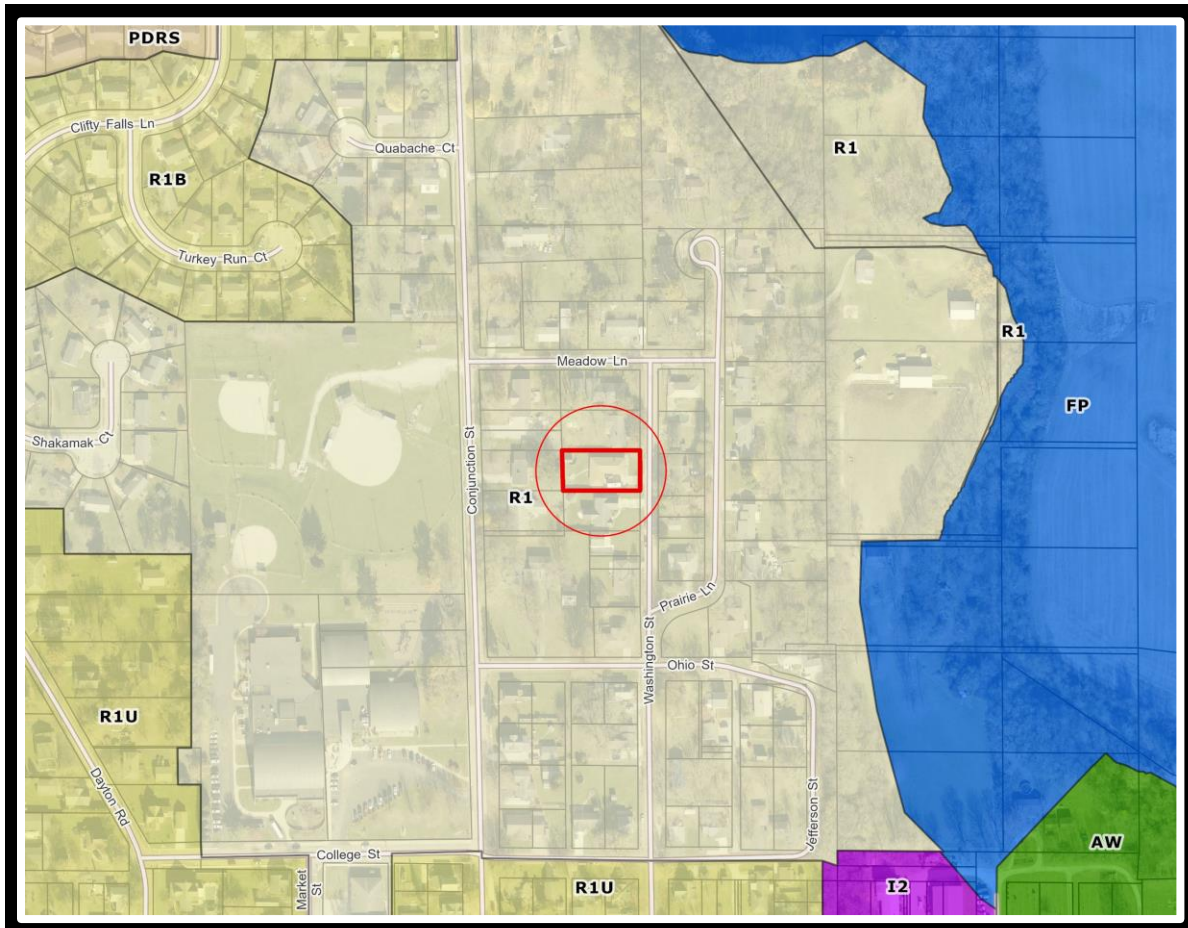

BZA-2080
JAMES ALAN AND TRACI BRATTON
(variances)

STAFF REPORT
June 16, 2022



BZA-2080
JAMES ALAN AND TRACI BRATTON
Variances

Staff Report
June 16, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners (who are the owners) are requesting two variances to allow construction of a 554 sq. ft. garage in an R1 zone. The variances are:

1. to reduce a rear setback from the minimum required 10' to 2' and
2. to reduce a side setback from the minimum required 6' to 2' (UZO 4-2-2).

The property is located at 256 Washington Street in Dayton, Sheffield 04(SW) 22-3.

Petitioners are planning to replace an existing garden shed with a larger 554 sq. ft. garage to allow long-term storage of a car as well as garden equipment currently stored in the shed. There is no driveway to the rear of the property, and petitioners do not plan to construct one, choosing instead to drive over the grass when needed.

AREA ZONING PATTERNS:

The subject site is zoned R1 as is all surrounding sites. R1U zoning exists farther south across Jefferson St, and there is FP from the South Fork of the Wildcat Creek farther to the east.

There have only been two BZA cases in the last 30 years within a few blocks of the site: BZA-1360 (in 1998) approved a 1' setback for a garage instead of the required 25' from Ohio St on a uniquely shaped lot to the southeast, and BZA-1227 (approved in 1994) which allowed a front setback of 10' instead of 25' at the intersection of Jefferson and Conjunction Streets.

AREA LAND USE PATTERNS:

The site contains a single-family residence with an attached 2-car garage and a small detached garden shed. It is surrounded by single-family residences on all sides. Dayton Elementary School and associated athletic fields are farther west.

TRAFFIC AND TRANSPORTATION:

Washington Street is an urban local road according to the adopted *Thoroughfare Plan*. The parking requirement of 2 spaces per dwelling is met given the attached 2-car garage and the length of the driveway leading to this garage.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities serve the site. There are no bufferyard requirements since all bordering lots are also zoned R1.

STAFF COMMENTS:

Petitioners are asking for relief from the side and rear setbacks in order to replace their existing outdoor garden shed with a new 554 sq. ft. garage. Petitioners state that the garage will be used to store an infrequently-driven car as well as garden equipment. The existing shed will be removed and demolished. The petitioners do not plan to install a driveway to the rear of the house, choosing instead to drive over the lawn between the house and side lot line.

Two parking spaces per dwelling unit are required per the UZO, and this site already supports more than two spaces in its driveway and attached 2-car garage. It is only petitioner's desire to build an additional garage utilizing the most out-of-the-way location that is the basis for this request. An accessory building could be built with a 6' side setback and a 10' rear setback, (closer to the house), without the need for variances. Larger detached garages appear to be common in this area of town; however, staff could not find a hardship as an additional garage is not a necessity for a single-family home and this lot is no different than the other lots on Washington Street.

Regarding the ballot items:

1. The Area Plan Commission June 15, 2022 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Allowing this garage in the setback does not pose a safety concern for the public travelling along Washington or create an issue with sight line visibilities for adjacent properties.
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. Allowing the structure to be built in the setback will not affect the way neighboring owners use their properties.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual about this lot's shape or topography. Most lots on this block are similar in size to this site, and no variances have been granted.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. While this could be considered a practical difficulty, Tippecanoe County's UZO has stricter standards requiring an unusual and unnecessary hardship to be found. It is only the petitioner's desire to construct this additional garage in the corner of their property that is the motivation for this request. Petitioners could place the structure elsewhere in the backyard to meet the setback requirements.

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. If denied the petitioners could still use the site as a single-family residence which they are currently doing or move the location of the building to meet setbacks.

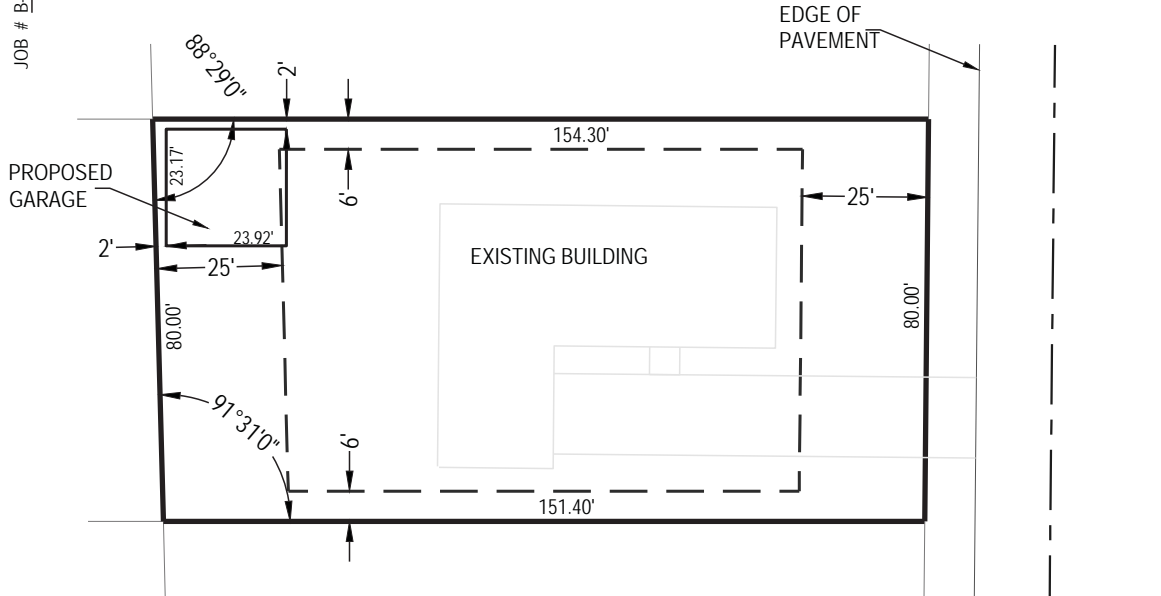
5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. There is no minimum relief because this building is not required for the site to be used as single-family residence. Additionally, a conforming accessory building can still be built within regular setbacks.

STAFF RECOMMENDATION:

Variance #1 (rear setback of 2'): Denial

Variance #2: (side setback of 2'): Denial

JOB # B-22125



VEGETATIVE COVER: 63%

O/S = DENOTES OFFSET

■ = DENOTES STAKE SET

--- = DRAINAGE & UTILITY EASEMENT

— = MINIMUM BUILDING LINE

= PROPOSED LOCATION OF TEMPORARY CONSTRUCTION ENTRANCE

Erosion Control (Stormwater Pollution Prevention) Notes:

- (1) The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the lot is stabilized. The operator must comply with all requirements of the Tippecanoe County Comprehensive Storm Water Management Ordinance 2011-27-CM. Failure to do so will result in Enforcement Action.
- (2) Erosion and sediment control measures must be functional and maintained throughout construction.
- (3) Sediment discharge and tracking from lot shall be minimized. Streets shall be kept clear of dirt and debris.
- (4) Install and maintain stable construction entrance.
- (5) Disturbing adjacent lots shall be kept to a minimum. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized immediately.
- (6) Surrounding curb and storm drain inlets must be protected from silt and debris.
- (7) Temporary downspout extenders must be used until the site is stable.
- (8) Silt fence or Coconut logs must be installed where needed to minimize silt leaving site.
- (9) Trash and debris shall not be allowed to leave the site by runoff or wind.
- (10) Violations of the Tippecanoe County Comprehensive Stormwater Management Ordinance 2011-27-CM will result in enforcement action including stop work orders and/or fines.

Site Plan Notes:

- (1) Building dimensions include brick ledges (as applicable).
- (2) Property dimensions shown are taken directly from subject plat or deed for the property.
- (3) Street width is estimated and will be updated, as necessary, after staking of the house; therefore, contractor shall verify street dimension and make appropriate adjustments before placing walks and similar items that are dimensioned from the street.
- (5) This site plan is intended to accompany a building permit application.
- (6) No lot corner markers were set or verified as a part of this plan; therefore, no liability will be assumed for use of this plan other than its intended purpose or for its use to place other improvements or fences.

NOTE: THIS SITEPLAN WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR TITLE COMMITMENT. ALL EASEMENTS AND SETBACKS SHOWN ARE FROM THE RECORDED FINAL SUBDIVISION PLAT OR AS PROVIDED BY OWNER.

Legal Description (Key No. 79-12-04-329-006.000-013):

Lot numbered Eight (8) in Williams C. Reinecke's Third Addition to the Town of Dayton, as platted upon a part of the east half of the southwest quarter of section four (4) Township Twenty two (22) North, Range Three (3) West. Located in Sheffield, Tippecanoe Indiana.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

Surveyor's Certificate:

The undersigned, a Professional Land Surveyor of the State of Indiana, certifies that this site plan was prepared under his direct supervision.

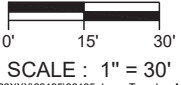
Certified by: 
James D. Hall, PLS # 20500017

05-17-2022
Date

SITE PLAN

256 WASHINGTON STREET
(FOR JAMIE BRATTON)

Vester and Associates Inc. LAND SURVEYING AND ENGINEERING • PATRICK N. CUNNINGHAM, PRESIDENT	
DESIGN BY: TDS	309 COLUMBIA STREET, SUITE 101
DRAWN BY: TDS	LAFAYETTE INDIANA, 47901
CHECKED BY: PNC	PHONE (765) 742-6479
FIELD BOOK:	FAX (765) 742-5271
DRAWING DATE: May 17, 2022	http://www.vester.com
DRAWING LOCATION: F:\PROJECTS\22XXX\22125\22125.dwg	



SCALE : 1" = 30'

THIS PLAN IS VOID UNLESS
SIGNED AND DATED

