
BZA-2082
RIVERSIDE CONSTRUCTION, LLC
(variance)

STAFF REPORT
June 16, 2022



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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, on behalf of owners Brien and Rebecca Dick, is requesting a variance to reduce the rear setback to 21.5' from the minimum required 25' to replace an existing 20' x 12' deck with a 20' x 12' covered/screened-in porch in the R1B zone. The existing single-family home is located at 15 Flowermound Drive, in Winding Creek Subdivision, Tippecanoe 29 (SW) 24-4 (UZO 2-3-8).

AREA ZONING PATTERNS:

This lot is zoned R1B, as are properties to the north, east, and west. It is part of section 1 of Winding Creek subdivision which was recorded in 1999 and includes both R1B and R1 lots. East of the site along the main road in the subdivision are larger R1 zoned lots. Adjoining land south and west of the subdivision is a large area of A (Agricultural) zoning.

The only variance activity in the area is north along Flowermound Drive, a setback reduction was approved in 2013 when an error was made in the placement of a house during construction, (BZA-1886). The house was built only 22' from the front setback instead of the required 25'.

AREA LAND USE PATTERNS:

Winding Creek Subdivision is a single-family home development that surrounds the Coyote Crossings Golf Course. Petitioner's lot is on the southern boundary of the subdivision, backing up to three large single-family home lots.

TRAFFIC AND TRANSPORTATION:

Flowermound Drive is one of several local public streets built for Winding Creek.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

American Suburban Utilities (sanitary sewer) and Indiana American Water Company serve the lot and the surrounding area. The proposed addition would not be located in a drainage or utility easement.

STAFF COMMENTS:

Petitioner is proposing to build a covered/screened-in porch that protrudes into the rear setback by 3.5'. The existing patio is the same size and in the same location and will be removed and replaced if the variance is granted. The existing patio was constructed in its current location based on UZO Section 4-4-4-c, which allows an unroofed patio/porch to extend into a rear setback up to 4'. Once a roof is added, the 25' rear setback becomes

the requirement.

The homeowners would like to build an addition with a roof; the existing patio needs to be removed because it cannot support a roof. An additional statement made by the petitioner states that they want to keep the existing landscaping in place. On the rear of the house in the middle of the deck is a chimney off the living area that makes a portion of the deck narrower. Following the UZO required 25' setback would make the covered deck even narrower. Staff understands that a narrower deck is not ideal but can't support the setback request because there is adequate area to put the deck that meets the existing setback. Reconfiguring the expansion to meet the setback would require a change in landscaping of the site, unfortunately this is not enough to be considered a hardship.

Regarding the ballot items:

1. The Area Plan Commission on June 15, 2022 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. This location is occupied by a deck that is proposed to be removed and rebuilt in the same location with a roof and screened in area. The existing structure is not in any platted easement and will not negatively affect the site or its neighbors.
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. Granting this request will not affect the neighboring property owner and the use of their properties as single-family homes.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. All the other properties in this subdivision have a 25' setback. The existing deck could continue to be used or a new deck could be built and roofed that met the setback but was longer. The new configuration could have the same area, but it would be less deep than the proposed deck.
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.

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 and solely based on a perceived reduction of or restriction on economic gain. An expansion could be added that meets the setback. In the application the petitioner gives a reason for the variance as the residents would like to keep the existing landscaping in place.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to

alleviate the hardship. Staff cannot find a minimum relief for this request because there is no hardship.

STAFF RECOMMENDATION:
Denial

22 W 500 N
PT E SE SEC 30 TWP 24 R4



**15 FLOWERMOUND DRIVE
WINDING CREEK SUBDIVISION
SECTION 1 LOT 39
PT SE SEC 30 TWP 24 R4**

11 FLOWERMOUND DRIVE
SECTION 1 LOT 38
PT SE SEC 30 TWP 24 R4

19 FLOWERMOUND DRIVE
SECTION 1 LOT 40
PT E W SE SEC 30 TWP 24 R4

FLOWERMOUND DRIVE

PROPOSED SITE PLAN
SCALE: 5/64" = 1'-0"



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DICK RESIDENCE
15 Flowermound Drive
West Lafayette, Indiana 47906
PROPOSED SITE PLAN

PLAN REVISIONS

NO.	DESCRIPTION	DATE
0	PRELIM PLANS	11/23/21
1	REVISED PLANS	12/13/21
2	REVISED PLANS	12/22/21
3	PERMIT PLANS	04/27/22
4	PERMIT PLANS	05/24/22
5		
6		

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PLAN DATE
5/24/2022

SHEET
1 OF 8