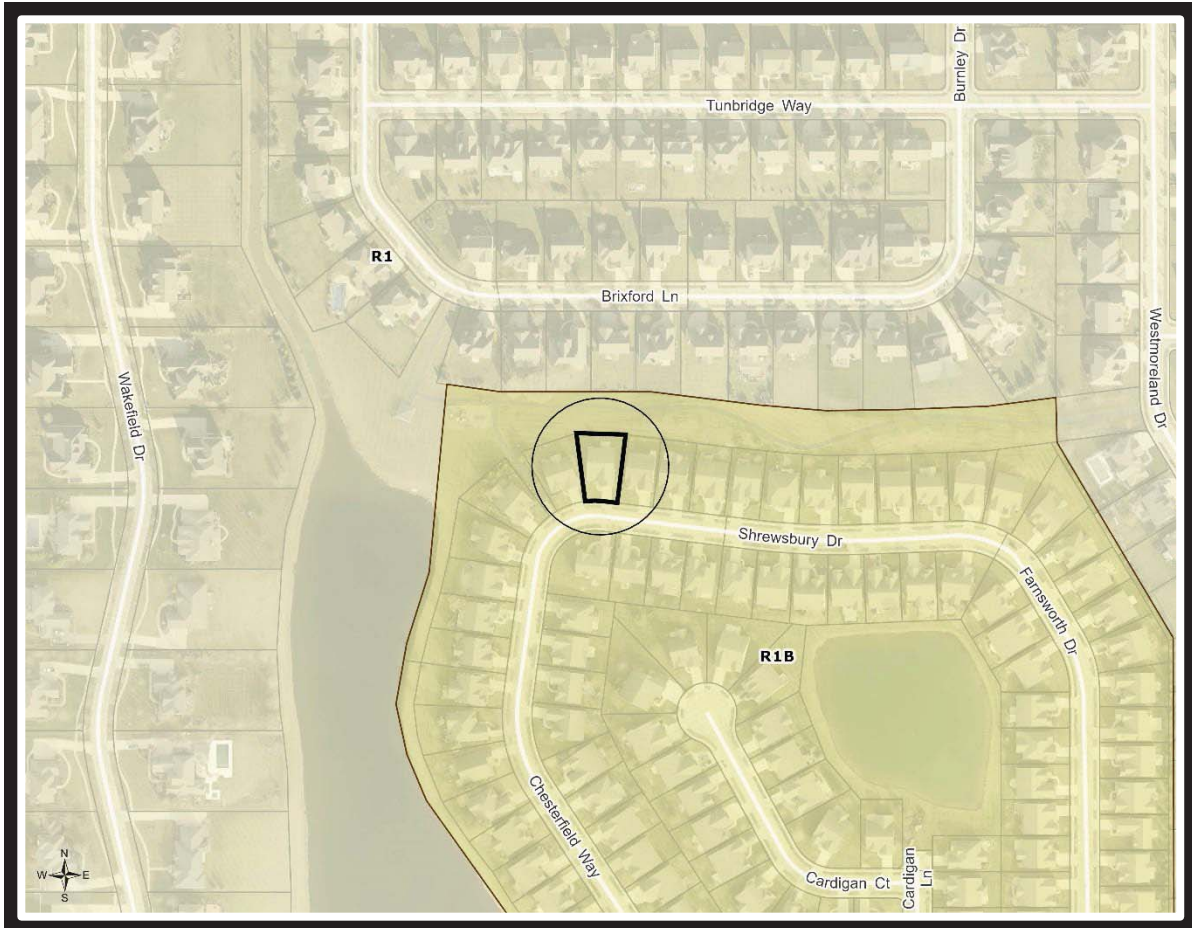

**BZA-2103
BUILT TO LAST
(variance)**

**STAFF REPORT
April 20, 2023**



**BZA-2103
BUILT TO LAST
Variance**

**Staff Report
April 20, 2023**

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of property owners, Michael Povolotskyi & Olga Povolotska, is requesting a variance to reduce the rear setback in an R1B zone from the minimum required 25 feet to 13 feet in order to build an addition on the back of the existing house. The property is located at 3348 Shrewsbury Drive in the Village of Arbor Chase subdivision, West Lafayette, Wabash 06 (NE) 23-4. (UZO 2-3-8)

AREA ZONING PATTERNS:

This lot, like all property in this section of Arbor Chase, is zoned R1B, Single-family Residential, high density. Surrounding this subdivision on all sides is R1, Single-family Residential zoning.

AREA LAND USE PATTERNS:

There is a single-family dwelling on site which was constructed at the 25' rear yard building setback. A 16' x 14' concrete patio is at the rear of the house (to the north) where the 12' x 12' addition would be constructed. This patio would be removed and a new patio, 10' x 12' in size, would be installed to the west of the proposed addition.

Over the past 30 years there have been many variances heard for properties to the south in University Farm subdivision; most of these approved variances were for reduced setbacks. However, no BZA cases have been heard for lots within Arbor Chase subdivision.

TRAFFIC AND TRANSPORTATION:

Shrewsbury Drive is a local subdivision street. The house in question, like every other house in this addition, has an attached two-car garage with a driveway to the street.

Beside the neighboring house to the west, a paved pedestrian trail leads to a small playground as well as another trail that extends east-west between the Village at Arbor Chase and the houses located in Arbor Chase by the Lakes to the north. This trail wends along a 75' wide strip of land that abuts the backyards of houses on both Shrewsbury and Brixford Lane, including the lot in question. This trail and 75' wide strip of land is owned and maintained by the homeowner's association.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The lot is served by city sewer and water.

STAFF COMMENTS:

Even with the proposed room addition and new patio area the lot would still comply with the R1B standards for lot coverage (33% while the ordinance maximum is 35%) and greenspace (58% while the UZO minimum is 35%). There is a 10' wide drainage and utility easement

platted along the northern, rear property line. The proposed addition would be setback at 13' and would not encroach into this easement. The 75' wide open space owned and maintained by the homeowner's association gives this proposed construction project adequate air, light, and space to not be a safety concern to neighbors. Because our UZO does not anticipate the existence of an unbuildable 75' wide area adjacent to the rear of a lot, the ordinance itself works a hardship in this case.

Regarding the ballot items:

1. The Area Plan Commission on April 19th 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. There is sufficient area both to the sides and the rear of the proposed addition to not create a fire safety issue. An addition built with a 13' setback would not encroach into the existing 10' utility and drainage easement along the rear property line.
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. Again, sufficient space would exist around the proposed addition to not adversely effect the use and value of neighboring properties.
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. Typically, residential lots do not have a 75' strip of open ground adjacent to the rear. The presence of this trail/open space makes this situation uncommon to other R1B-zoned subdivisions.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Applying the rear setback standards of the UZO creates an unnecessary hardship in this situation. The ordinance does not anticipate the platting of residential lots with a wide expanse of open space to the rear.

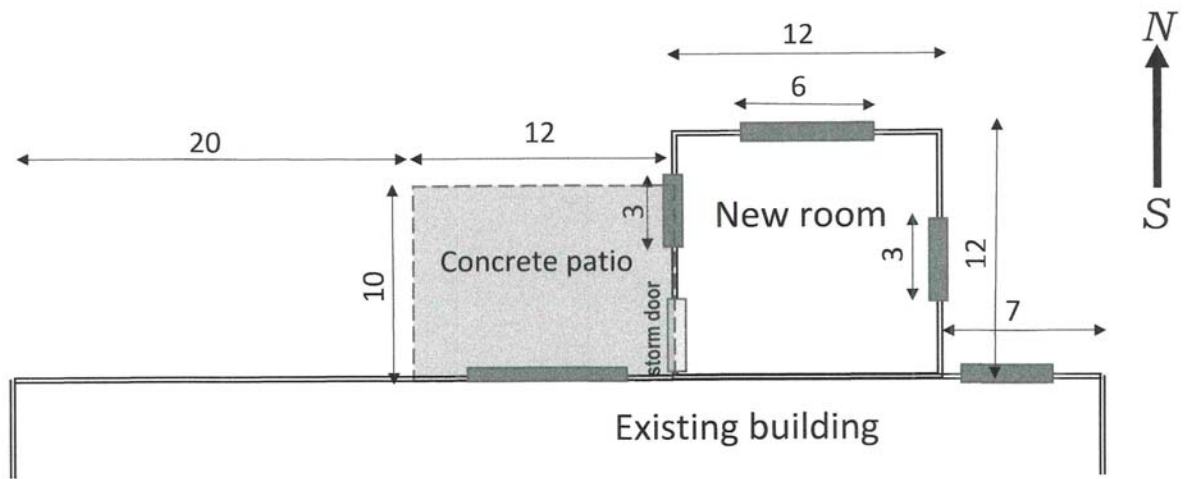
Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain. While per the petition, approving the variance would save the owners the cost of moving, the variance is not *solely* being requested for this reason.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. A room addition of 12' x 12' is modest in size and acceptable as minimum relief. There will still be 3' between the proposed addition and the platted utility easement.

STAFF RECOMMENDATION:

Approval

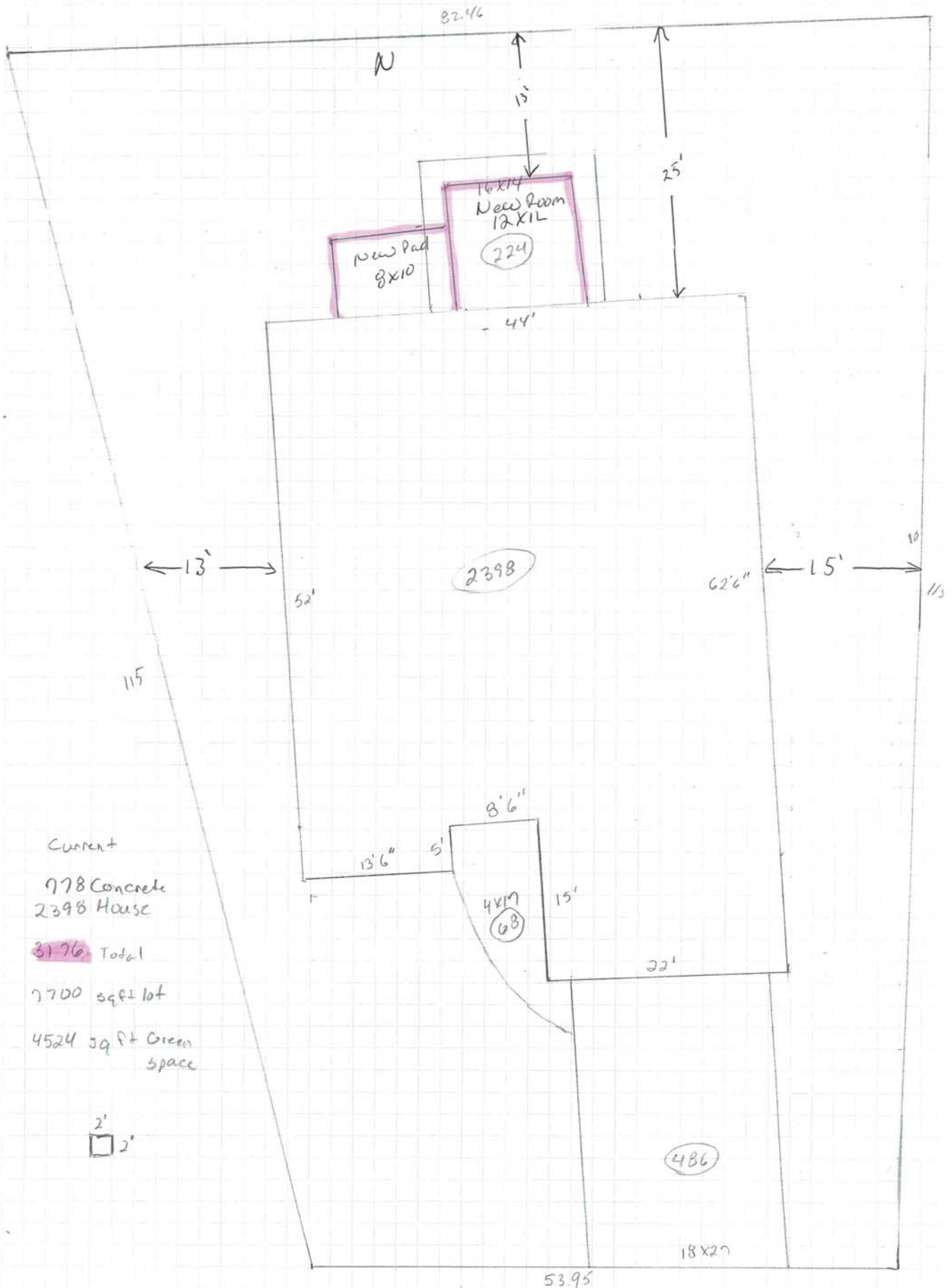


Max Structure 2695

New
House - 2542 sqft
Concrete - 634 sqft
Total - 3176 sqft

Green space is same

Under Max Structure



Current

978 Concrete
2398 House

3176 Total

7700 sqft lot

4524 sqft Green
space

