

Findings of Fact

Town of Pittsboro, Indiana Board of Zoning Appeals

To: Pittsboro Board of Zoning Appeals
From: Town Planning Staff
Subject: Variance of Development Standards
Date: February 25, 2014
CC: Jason Love, Town Manager

Applicant: Phil Tucker
Location: 1 E. Main Street, Pittsboro, IN 46167
Parcel Size: 0.11 acres
Ex. Zoning: General Business and Downtown Overlay Zone
Purpose: **Variance from Development Standards regulating required rear yard setback, landscape buffering, and parking and loading standards.**

FINDINGS OF FACT OVERVIEW

Under IC 36-7-4-918.5, the Board of Zoning Appeals shall approve or deny all special exceptions, special uses, contingent uses, and conditional uses from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance. The board may impose reasonable conditions as part of its approval.

The Board of Zoning Appeals of the Town of Pittsboro, having heard the application for variance and all opposition from parties claiming to be adversely affected thereby, all witnesses having first been duly sworn under oath subject to penalties for perjury, does now enter the following findings:

VARIANCE FROM DEVELOPMENT STANDARDS (IC 36-7-4-918.5)

A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. The board may impose reasonable conditions as a part of the board's approval. A variance may be approved under this section only upon a determination in writing that:

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

SETBACK: No, because it is an established business and will not change it's use.

PARKING: No, the property currently doesn't have any parking.

LANDSCAPE: No, there is currently no landscaping.

- (2) *the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

SETBACK: No, the addition will match the existing character.

PARKING: No, there is no parking on the property now. There will not be a loss of parking

LANDSCAPE: No, there is currently no landscaping.

- (3) *the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. However, the zoning ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by this subdivision.*

SETBACK: Yes, the downtown overlay zone does not include a standard for rear setback so the general business standard applies. However, this is an approximately 100 year old building on a small parcel, the ten foot rear yard creates difficulty in utilizing a significant portion of the site.

PARKING: Yes, the building was constructed approximately 100 years ago before there were any parking and loading requirements. It would be impossible to accommodate the required parking and loading given the existing building footprint and small site size.

LANDSCAPE: Yes, given the existing building footprint and small parcel size, including a landscape buffer would create difficulty in dumpster and service access to the rear of the building.

The Town of Pittsboro Board of Zoning Appeals hereby approves the variances from the development standards of the zoning ordinance with the following conditions, based upon approval by Town staff when the building permit application is submitted:

1. The roof pitch of rear building additions shall be consistent either through matching the existing roof pitch or altering the existing roof pitch to create one consistent roof surface from the existing rear brick façade.
2. Roofing materials shall match existing roofing materials or existing materials shall be replaced so as to be consistent.
3. Siding shall match existing siding or existing siding shall be replaced so as to be consistent.
4. Truck deliveries shall be scheduled at off-peak times in order to maintain safe and efficient traffic movement along Maple Street.

DECISION

Based on the findings described above the Board of Zoning Appeals does now (approve/deny) this variance petition, subject to any conditions as stated above or stated in the minutes (which conditions are incorporated herein as by reference and made part of this decision). _____
(Date) by a vote of ___ yays and ___ nays.

BOARD OF ZONING APPEALS OF PITTSBORO, INDIANA

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ATTEST