

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: October 2, 2024

PETITIONER: Brett Huff

PETITION: BZA-24-010

REQUEST: Petitioner requests approval of a Development Standard Variance to allow a reduction in the rear-yard setback.

LOCATION: The property is located at 5785 W Glenview Drive.

ZONING: The property is zoned McCord Square PUD.

Zoning

North: PUD

South: PUD

East: PUD

West: PUD

Land Use

Single-family residential

Subdivision Common Area

Subdivision Common Area

Single-family residential

STAFF REVIEW: The petitioner is seeking the reduced rear-yard setback in order to construct an inground pool and accessory structure in his backyard.

Variance Request – Rear-yard Setback from the Emerald Springs Secondary Plat

The Emerald Springs Secondary Plat requires a 20' rear-yard setback. The petitioner seeks a reduction from 20' to 5'.

BZA AUTHORITY: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 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;
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
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property.

STAFF RECOMMENDATION:

Staff has reviewed the petitioner's request and is supportive of the request.

Approval: If the Board is inclined to approve the variance, then the Department recommends adopting the findings below.

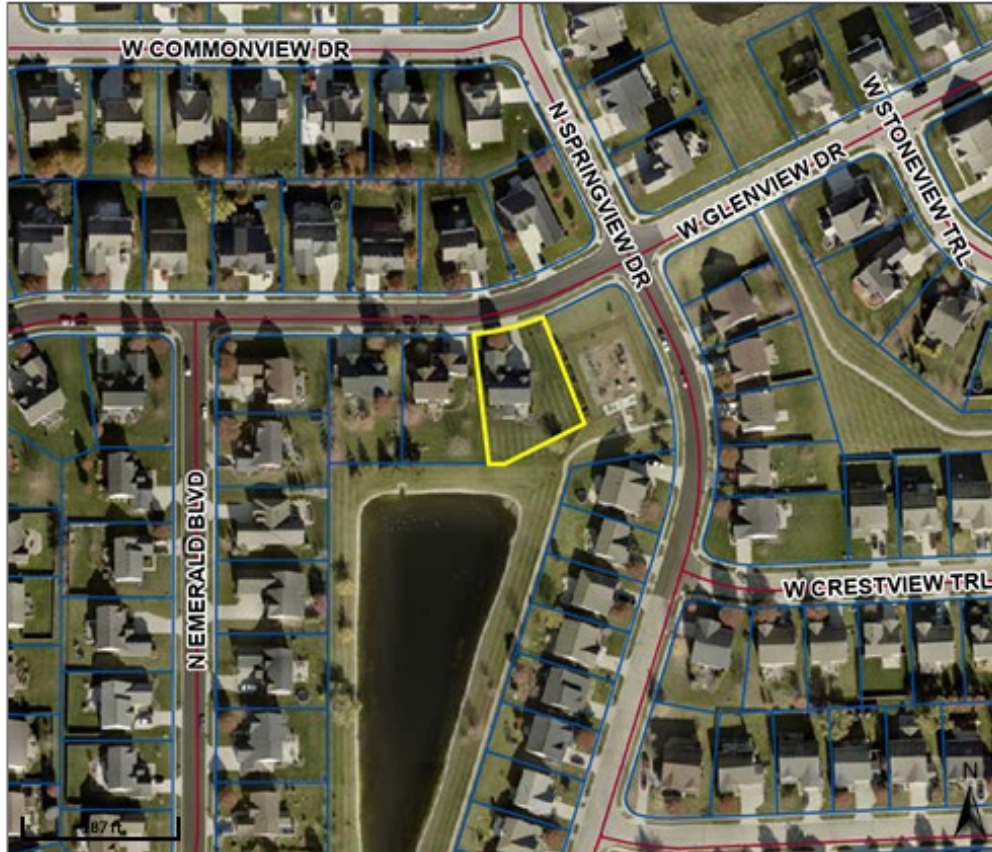
Recommended Findings for Approval:

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community: *Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community. The location of the pool and cabana fall within the visual perimeter of the back-yard and which will be setback from the existing fence a distance similar to that of the required setback.*

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: *Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.*

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property: *Finding: The strict application of this criteria could result in the petitioner not being able to effectively utilize their backyard for these improvements. The configuration of the lot lines creates challenging use of backyard space and is an inefficient use of space. The variance request addresses this issue by creating developable space in the backyard for improvements which will allow the property owners further enjoyment of their property.*

Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variances, and tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Overview



Legend

-  Corporate Limits
- Roads
 -  I
 -  S
 -  U
 -  <all other values>
-  Parcels

Parcel ID	30-01-24-202-053.000-018	Alternate ID	30-01-24-202-053.000-018	Owner Address	Huff, Brett A & Jessica L
Sec/Twp/Rng	n/a	Class	510 - 1 Family Dwell - Platted Lot		5785 W Glenview Dr
Property Address	5785 W Glenview Dr	Acreage	n/a		McCordsville, IN 46055
	McCordsville				
District	MCCORDSVILLE TOWN				
Brief Tax Description	EMERALD SPRINGS S1B L53				
	(Note: Not to be used on legal documents)				

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