

# Board of Zoning Appeals BZA Division I (April 4, 2023) Meeting Agenda

#### **Meeting Details**

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, April 04, 2023 Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

#### **Business:**

#### **Adoption of Meeting Minutes**

#### **Special Requests**

#### **PETITIONS REQUESTING TO BE CONTINUED:**

#### 1. 2022-SE1-002 (Amended) | 9140 East McGregor Road (approximate address)

Franklin Township, Council District #25, Zoned D-A

Shalom Christian Church, by Jonathan L Albright Jr.

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses and a modification of development standards to allow for the construction of a religious use facility, parking lot and related accessory structures with a 22-foot western side yard and an 18-foot rear yard (minimum 30-foot side yard setback, 75-foot rear yard setback required), and a 110-foot wide parking area within the front yard (maximum 30-foot wide parking area permitted within the front yard).

\*\* Petitioner to request continuance to May 9, 2023 hearing.

#### **Petitions for Public Hearing**

#### **PETITIONS TO BE EXPEDITED:**

#### 2. 2023-DV1-004 (Amended) | 1456 Fletcher Avenue (approximate address)

Center Township, Council District #17, Zoned D-5

Equity Trust Company, by Mark and Kim Crouch

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached carriage house with 3-foot side yard setbacks (five-foot side setbacks required), encroaching within the clear sight triangle of the alley (encroachment of clear sight triangles not permitted), without an entry to the secondary dwelling visible from the right-of-way (required) and a walkway with a 1.5-foot west side yard setback.

#### 3. 2023-DV1-010 | 4045 East 75th Street (approximate address)

Washington Township, Council District #3, Zoned D-A / D-2

Tim Reinhart

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide a building addition resulting in a 10-foot east side yard setback (15-foot side yard setback required).

#### **PETITIONS FOR PUBLIC HEARING (Transferred Petitions):**

#### 4. 2022-DV2-045 | 1251 South Alabama Street (approximate address)

Center Township, Council District #16, Zoned D-5

David M Rollings, by Mark & Kim Crouch

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legalize the existing ten-inch front, rear and northern side yard setbacks (front setback of zero-ten feet required for Terrace Frontages, 20-foot rear yard, five-foot side yard setback required) with no off-street parking provided (one space required); and to provide for a roofline change along a non-conforming setback and vertical expansion (not permitted), all within the clear sight triangle of Alabama and the intersecting alley (encroachment of clear sight triangles not permitted).

#### **PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

#### 5. 2022-SE1-001 | 4330 Michigan Road (approximate address)

Washington Township, Council District #8, Zoned SU-2 (FW) (FF)

Veracity Land Use Development Services, by Michael Clust

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 200-foot tall monopole tower and a four-foot lightening rod.

#### \*\*\* Petitioner requests withdrawal of petition

#### 6. 2022-DV1-062 (2nd Amended) | 1012 Olive Street (approximate address)

Center Township, Council District #17, Zoned D-5 (TOD)

Kristen Fern

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with a zero-foot north side yard setback and a three-foot rear yard setback (three-foot side yard setback and 20-foot rear setback required) providing access from Olive Street (exclusive vehicle access from improved alley required), also with the existing single-family dwelling encroaching within the clear site triangle of Olive Street and the driveway (encroachment into the clear site triangle not permitted).

#### 7. 2023-UV1-006 (Amended) | 201 West 38th Street and 3750 North Capitol Avenue (approximate address)

Center Township, Council District #7, Zoned C-4 / D-5

Martin Petroleum Inc., by Pat Rooney

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard required).

#### PETITIONS FOR PUBLIC HEARING (New Petitions):

#### 8. 2023-DV1-009 | 1313 Gumwood Drive (approximate address)

Wayne Township, Council District #6, Zoned D-4

Toni Clark

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a mini-barn with a 0.5-foot west side yard setback (five foot-side yard setback required).

#### 9. 2023-DV1-011 | 902 East 66th Street (approximate address)

Washington Township, Council District #2, Zoned D-4 (TOD)

A Ciobanu Properties LLC, by Andrea Ciobanu

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot tall fence within the front yards of Ferguson Street and East 66th Street (maximum 3.5-foot-tall fence permitted within front yards), and encroaching within the clear sight triangle of their intersection, with the location of automated gates within the clear sight triangle of two vehicular access drives (encroachment within clear sight triangles not permitted).

#### 10. 2023-DV1-012 | 6209 East Edgewood Avenue (approximate address)

Franklin Township, Council District #25, Zoned D-A

Salina and Jaime Hernandez, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the future subdivision of a parcel into two lots, with:

- a. Future Lot One maintaining a 100.5-foot street frontage and lot width and an area of .81-acre (minimum 125-foot street frontage, 250-foot lot width and area of three acres required); and
- b. Future Lot Two maintaining a 25-foot street frontage and lot width.

#### 11. 2023-DV1-013 | 607 South Whitcomb Avenue (approximate address)

Wayne Township, Council District #22, Zoned D-4

Napier Homes LLC, by Earl Owens

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage expansion resulting in a four-foot north side yard setback (seven-foot side yard setbacks required).

#### **Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing <a href="mailto:planneroncall@indy.gov">planneroncall@indy.gov</a>. Written objections to a proposal are encouraged to be filed via email at <a href="mailto:dmdpubliccomments@indy.gov">dmdpubliccomments@indy.gov</a>, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number: 2022-SE1-002** 

Address: 9140 East McGregor Road (approximate address)

Location: Franklin Township, Council District #25

Zoning: D-A

Petitioner: Shalom Christian Church, by Jonathan L Albright Jr.

Request: Special Exception of the Consolidated Zoning and Subdivision

Ordinance to provide for religious uses and a modification of

development standards to allow for the construction of a religious use facility, parking lot and related accessory structures with a 22-foot western side yard and rear yard (minimum 30-foot side yard setback,

75-foot rear yard setback required).

This petition was previously continued for cause at the request of the petitioner, from the December 6, 2022, hearing to the February 7, 2023, hearing.

A registered neighborhood organization filed a timely automatic continuance, continuing this petition from the February 7, 2023, hearing, to the March 7, 2023, hearing.

This petition was continued for cause from the March 7, 2023, hearing, to the April 4, 2023, hearing, to provide new notice for an amended request.

New notice for the amended request has not yet been provided by the petitioner, therefore this petition will need to be continued for cause from the April 4, 2023, hearing, to the May 9, 2023, hearing with new notice.

RU \*\*\*\*\*\*

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-004 (Amended)

Address: 1456 Fletcher Avenue (approximate address)

Location: Center Township, Council District #17

Zoning: D-5

Petitioner: Equity Trust Company, by Mark and Kim Crouch

Request: Variance of development standards of the Consolidated Zoning and

Subdivision Ordinance to provide for the construction of a detached

carriage house with 3-foot side yard setbacks, (five-foot side setbacks), encroaching within the clear sight triangle of the alley

(encroachment of clear sight triangles not permitted), without an entry to the secondary dwelling visible from the right-of-way (required) and a

walkway with a 1.5-foot west side yard setback.

#### **ADDENDUM FOR APRIL 4, 2023**

The petitioner has revised their site plan so that the proposed carriage house would have 3-foot side yard setbacks. Since this site is less than the minimum lot size and width for the D-5 district, staff would not be opposed to slight reductions to the side yard setback. Staff would note that the standards for compact lot development would provide for 3-foot side setbacks, but these standards do not apply to the D-5 district.

Staff recommends approval of this request.

#### March 7, 2023

#### **RECOMMENDATIONS**

Staff recommends denial of the request for 1.5-foot side yard setbacks.

Staff would recommend approval of a variance for 3-foot side yard setbacks.

Staff **recommends approval** of this request to provide for a carriage house encroaching within the clear sight triangle of the alley, without an entry to the secondary dwelling visible from the right-of-way, and a walkway with a 1.5-foot west side yard setback.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

EXISTING ZONING AND LAND USE

D-5 Compact Single-Family residential

(Continued)

#### STAFF REPORT 2023-DV1-004 (Continued)

#### SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	D-5	Single-Family residential

COMPREHENSIVE PLAN The Comprehensive Plan recommends Traditional Neighborhood

development

The subject site is a 2,825 square foot lot in the D-5 district, and is developed with a single-family dwelling and detached garage, to be replaced with a new detached carriage house.

#### VARIANCE OF DEVELOPMENT STANDARDS

- This request would provide for a detached carriage house with 1.5-foot side setbacks. The existing lot width is 23 feet, and the proposed carriage house is 20 feet wide. Staff is recommending denial of this portion of the request. Although this is a narrow lot, staff would not support side setbacks less than three feet, which was the permitted minimum side setback for accessory structures in D-5 prior to adoption of the Walkable Neighborhood Districts standards.
- The proposed carriage house would be encroaching within the clear sight triangle of the alley. This site has an intervening lot between it and the alley. This lot is east of the site and contains an existing detached garage, which is within the clear sight triangle. Staff would not be opposed to encroachment in the clear sight triangle where the view is already obstructed by an existing building.
- The carriage house proposed would have an entry on the south elevation, but is partially obstructed by the existing primary dwelling. However, since this is also the elevation with the primary dwelling's entrance, staff is not opposed to the request. Furthermore, a walkway is proposed to connect to the frontage sidewalk, which would provide wayfinding for an entrance in the rear yard.
- This request would provide for a walkway with a 1.5-foot side yard setback. The ordinance would permit a minor residential feature, such as a sidewalk, to be no closer than two feet to a side lot line. The existing west side yard has 5.5 feet between the existing dwelling and the property line. The proposed walkway is approximately four feet wide. Staff would not be opposed to a slight encroachment into the side yard for walkway, at grade, where existing development would limit the location.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN Fletcher Avenue is classified in the Official Thoroughfare

Plan for Marion County, Indiana as a local street, with a 71foot existing right-of-way and a 48-foot proposed right-of-

way.

SITE PLAN File-dated January 23, 2023

SITE PLAN (AMENDED) File-dated March 27, 2023

(Continued)

#### STAFF REPORT 2023-DV1-004 (Continued)

ELEVATIONS AND FLOOR PLAN File-dated March 27, 2023

FINDINGS OF FACT File-dated January 23, 2023

#### **ZONING HISTORY – VICINITY**

**2021-DV3-036, 1448 Fletcher Avenue**, Variance to provide for two single-family dwellings and detached garages with eight-foot front setbacks, and five and six feet between dwellings and 50% open space **approved**.

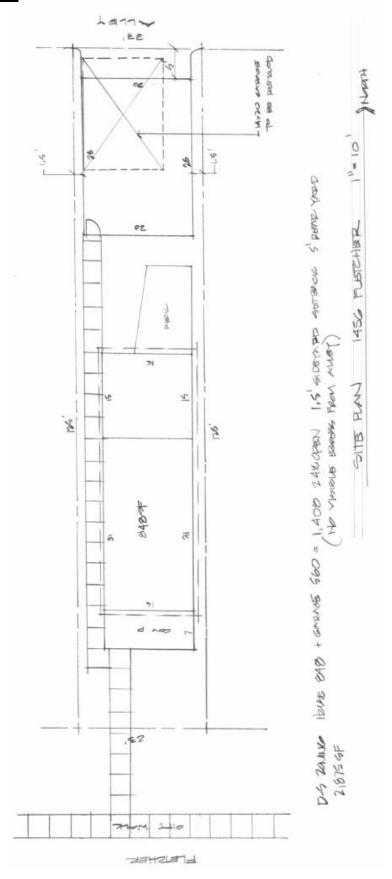
**2020-DV1-043, 1453 Spann Avenue,** Variance to provide for a single-family dwelling and detached garage, with a 6.5-foot front setback, three feet and six feet between buildings and 50% open space, **approved**.

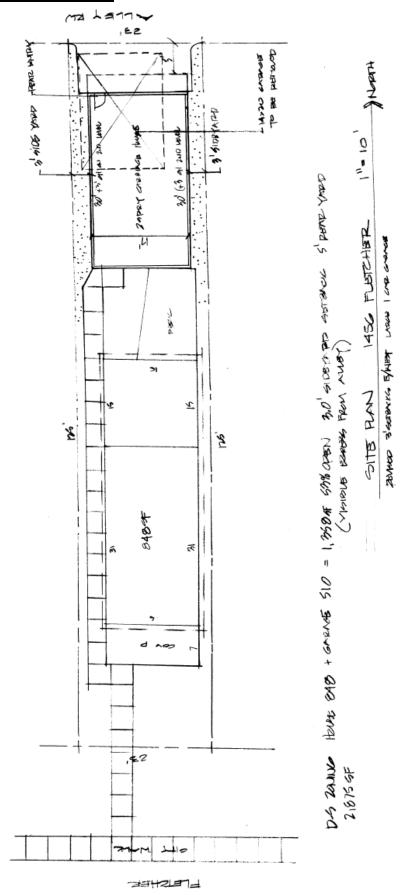
**2018-UV3-002, 1459 Spann Avenue,** Variance to provide for a four-unit townhome, with a three-foot north front setback, a zero-foot east front setback, and four feet between primary dwellings, a detached garage with a zero-foot front setback, with the buildings encroaching into the clear sight triangle of the abutting streets and alleys, and with 45% open, **withdrawn**.

AR

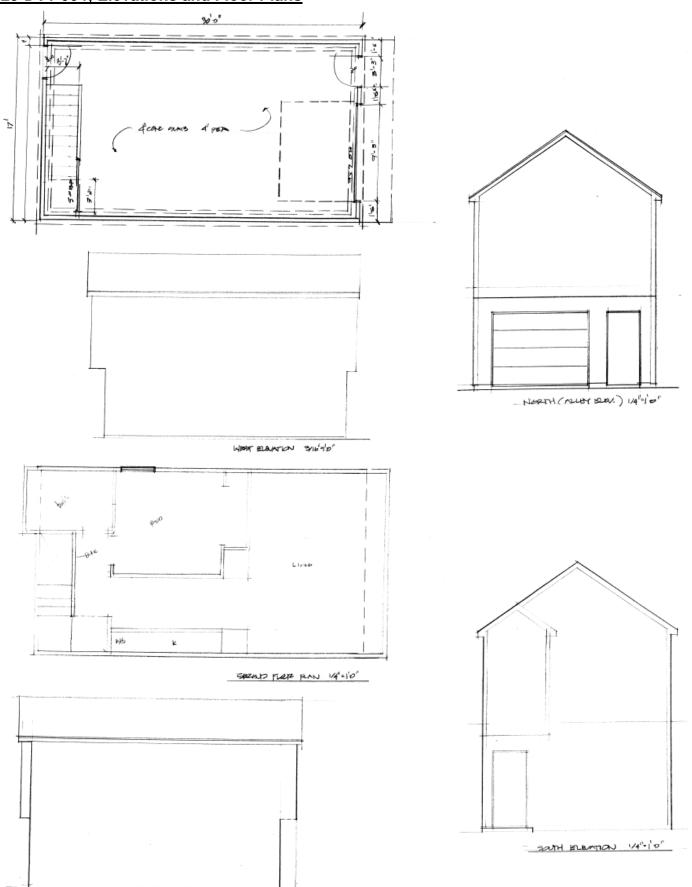
#### 2023-DV1-004; Aerial Map

1458
LET CHER AVE





# 2023-DV1-004; Elevations and Floor Plans



BUT ALBAMON BULLO

2023-DV1-004; Photographs





Existing garage to be demolished, viewed from alley, looking west.



Existing garage east of site, viewed from alley

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number: 2023-DV1-010** 

Address: 4045 East 75th Street (approximate address)
Location: Washington Township, Council District #3

Zoning: D-A / D-2 Petitioner: Tim Reinhart

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide a building addition resulting in a 10-foot

east side yard setback (15-foot side yard setback required).

#### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

#### **EXISTING ZONING AND LAND USE**

D-A/D-2 Metro Residential (Single-family dwelling)

#### SURROUNDING ZONING AND LAND USE

North	D-A/D-P	Residential (Single-family dwellings)
South	D-2	Residential (Single-family dwelling)
East	D-2	Residential (Single-family dwellings)
West	D-A	Residential (Single-family dwellings)

COMPREHENSIVE PLAN The Comprehensive Plan recommends suburban neighborhood

development.

♦ The subject site is developed with a single-family dwelling and is surrounded by similar residential development.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- The grant of the request would permit deficient side yard setback for a new addition to an existing dwelling. The southern building facade houses the air conditioning unit and electrical meter, which would prevent a rear addition to the dwelling.
- ♦ The D-A district requires 15-foot side yard setbacks, but the request would reduce this by five feet for a ten-foot east side setback as shown in the amended site plan.

(Continued)

#### STAFF REPORT 2023-DV1-010 (Continued)

- In staff's opinion, the proposed setback would not affect the use or value of the area adjacent to the property because the side setback would still provide sufficient room for property maintenance.
- ♦ The strict application of the terms of the zoning ordinance would result in practical difficulties in the development of the property because the site is significantly narrower in lot width than the surrounding properties which causes some difficulty with meeting the side setback requirement of typical D-A sized lots that would otherwise measure 250 feet in lot width.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN 75<sup>th</sup> Street is classified in the Official Thoroughfare Plan for

Marion County, Indiana as a primary collector street, with a 33-foot existing right-of-way and an 80-foot proposed right-

of-way.

SITE PLAN File-dated February 24, 2023.

AMENDED SITE PLAN File-dated March 20, 2023.

ELEVATIONS File-dated February 24, 2023.

FINDINGS OF FACT File-dated February 24, 2023.

#### **ZONING HISTORY – SITE**

**EXISTING VIOLATIONS** 

None.

PREVIOUS CASES

None.

#### **ZONING HISTORY – VICINITY**

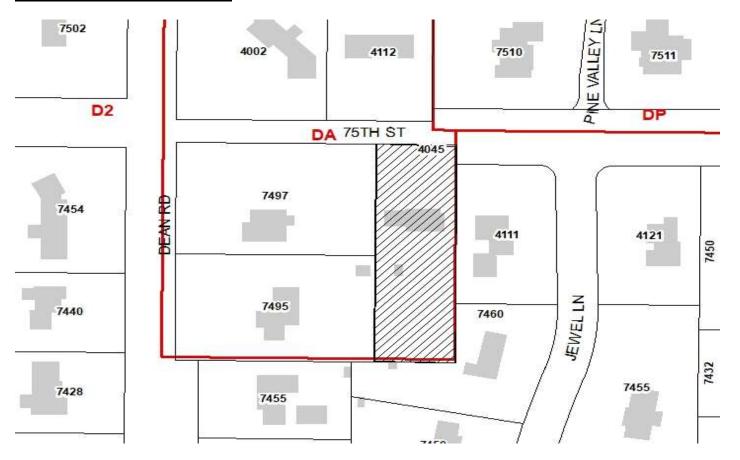
**2017-HOV-007**; **7555 Pine Valley Lane** (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a twelve-foot retaining wall, without terracing (terracing required for retaining walls taller than six feet tall), **granted.** 

**94-HOV-87**; **7453 North Chester Avenue** (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a cedar privacy fence 7 feet in height (maximum 6 feet permitted), **granted.** 

**88-UV2-55**; **4320 East 75**<sup>th</sup> **Street** (northeast of site), Variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for the construction of a 24x50-foot storage building for recreational vehicles, **granted**.

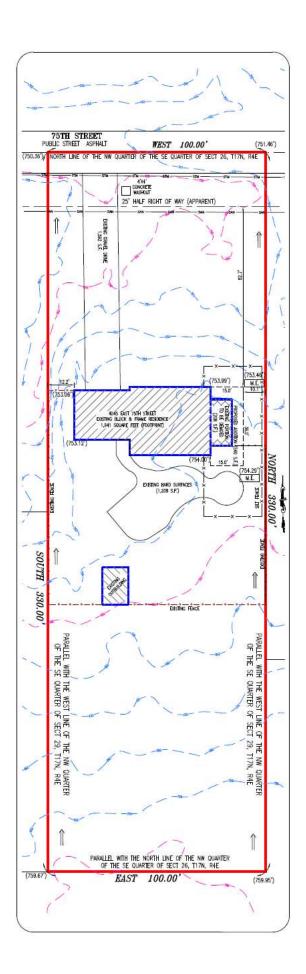
MI \*\*\*\*\*

## 2023-DV1-010; Location Map

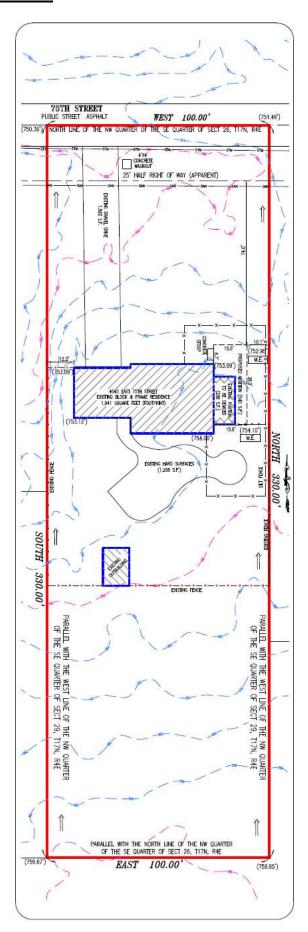


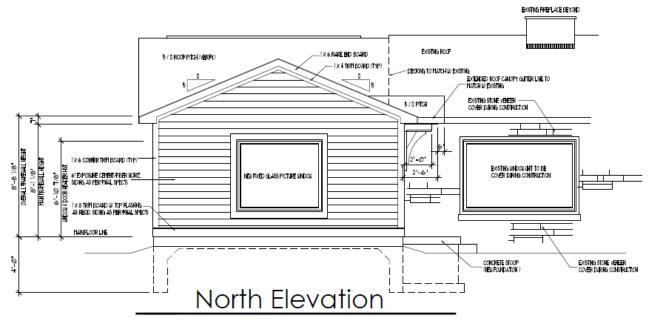
#### 2023-DV1-010; Aerial Map

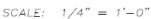


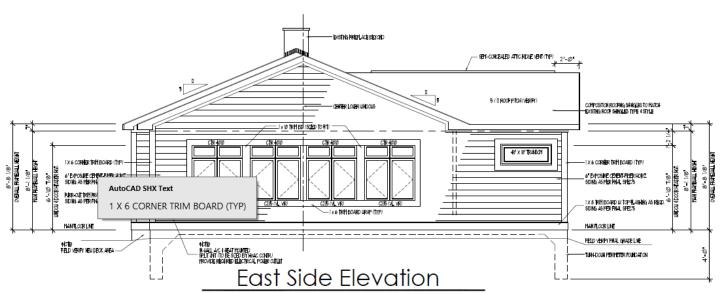


## 2023-DV1-010; Amended Site Plan



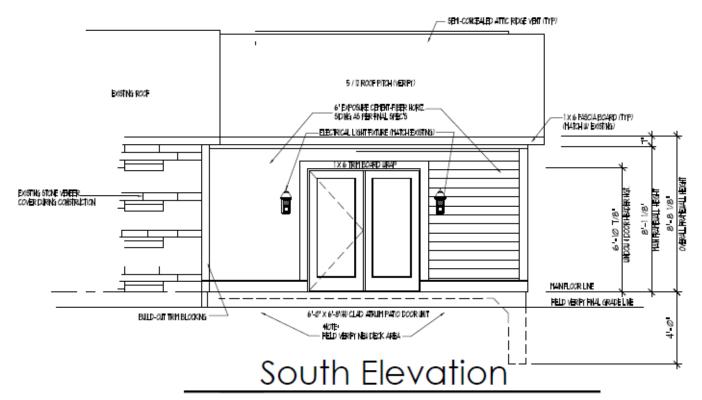




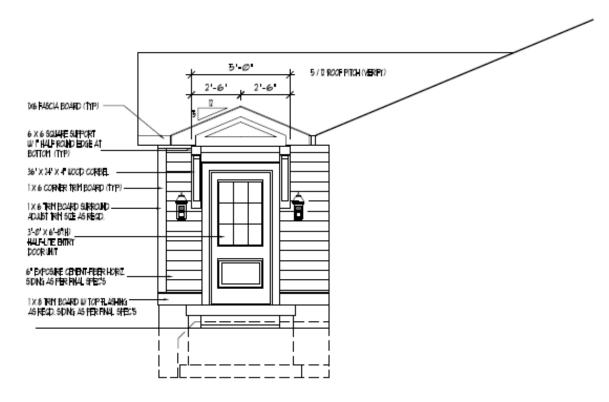


 $SCALE \cdot 1/4" = 1'-0"$ 

#### 2023-DV1-010; Elevations (Continued)

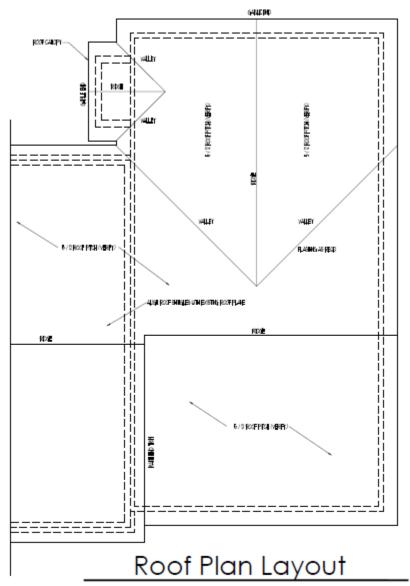


SCALE: 1/4" = 1'-0"



# Roof Canopy View

SCALE: 1/4" = 1'-0"

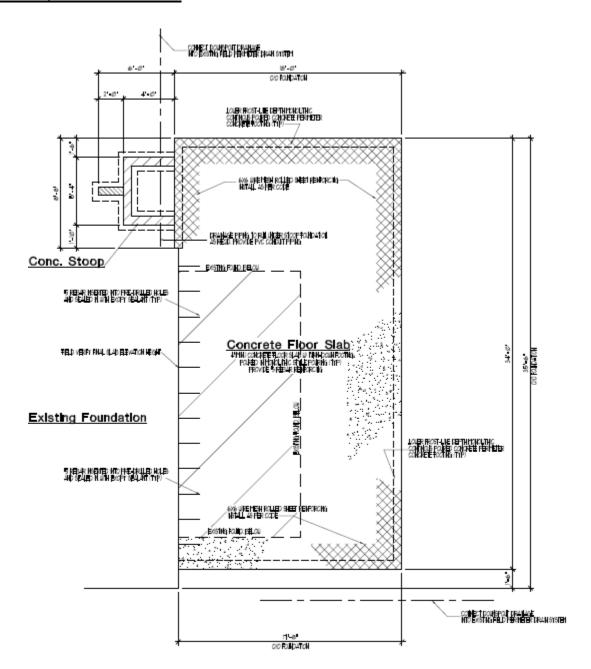


SCALE: 1/4" = 1'-0"

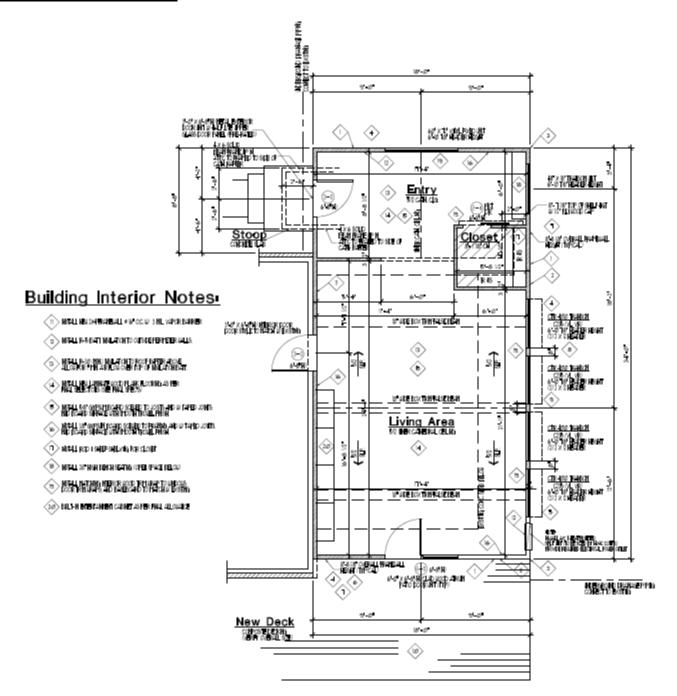
PNOTE:

NOTE"
BUILDER / OWNER SHOULD SEEK THE ASSISTANCE OF A
QUALPIED ENGINEER FOR THE PROPER SIZING OF ALL
STRUCTURAL HEADERS, RAFTERS, SUPPORT BEAMS,
LAMINATED BEAMS, JOISTS, ETC., IT IS THE BUILDER / OWNER
RESPONIBILITY TO VERFY ALL DIMENSIONS & DESIGN
OF THESE DOCUMENTS FOR ACCURACY.

## 2023-DV1-010; Foundation Plan

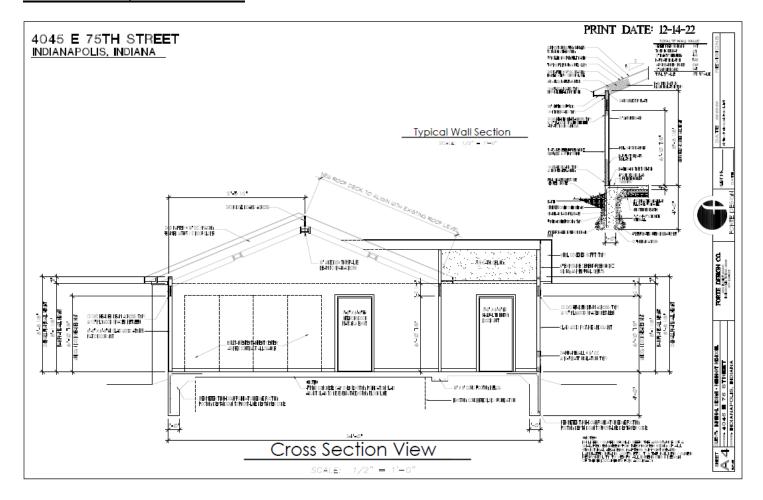


Revised Found.Plan Addition



Revised Plan Addition

### 2023-DV1-010; Cross Section



## 2023-DV1-010; Photographs



Photo of the Subject Property: 4045 East 75th Street



Photo of the proposed location of the addition and east side setback looking south.





Photo of the proposed location of the addition looking north.



Photo of the rear building façade showing the air conditioning unit and electrical meter.



Photo of the rear yard looking southwest.



Photo of the rear yard looking southeast.



Photo of the neighborhind dwelling west of the site.



Photo of a single-family dwelling north of the site.



Photo of a single-family dwelling north of the site.

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV2-045

Address: 1251 South Alabama Street (approximate address)

Location: Center Township, Council District #16

Zoning: D-5

Petitioner: David M Rollings, by Mark & Kim Crouch

Request: Variance of development standards of the Consolidated Zoning and

Subdivision Ordinance to legalize the existing ten-inch front, rear and northern side yard setbacks (front setback of zero-ten feet required for Terrace Frontages, 20-foot rear yard, five-foot side yard setback required) with no off-street parking provided (one space required); and to provide for a roofline change along a non-conforming setback and vertical expansion (not permitted), all within the clear sight triangle of Alabama and the intersecting alley (encroachment of clear sight triangles not permitted).

#### **ADDENDUM FOR APRIL 4, 2023**

This petition was continued for cause for the third time at the request of the petitioner, from the March 7, 2023, hearing, to the April 4, 2023, hearing. No additional information has been provided to the file.

If an additional continuance is requested by the petitioner, then this petition should be dismissed, and refiled at a later date, when the petitioner is prepared to go forward without multiple continuances.

#### **ADDENDUM FOR MARCH 7, 2023**

This petition was continued for cause at the request of the petitioner, from the January 3, 2023, hearing, to the March 7, 2023, hearing. No additional information has been provided to the file.

#### **January 3, 2023**

This petition was continued for cause from the December 13, 2022, hearing of Board II, and transferred to the January 3, 2023, hearing, of Board I at the request of the petitioner.

#### **RECOMMENDATIONS**

Staff recommends denial of the request.

(Continued)

#### STAFF REPORT 2022-DV2-045 (Continued)

#### **SUMMARY OF ISSUES**

#### LAND USE

**EXISTING ZONING AND LAND USE** 

Compact D-5 Single-Family Dwelling

#### SURROUNDING ZONING AND LAND USE

North D-5 Single-Family Dwelling South D-5 Single-Family Dwelling

East D-5 Undeveloped

West D-5 Single-Family Dwelling

COMPREHENSIVE PLAN The Comprehensive Plan recommends traditional neighborhood

development.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values, by providing for open buffer areas along lot lines, and to ensure adequate access around structures to help maintain the property without requiring access through adjacent properties.
- The existing structure, with ten-inch front, rear and northern side yard setbacks is considered a legally non-conforming structure, as a single-family use is allowed in the D-5 zoning district. The deficient setbacks are also considered legally non-conforming and already legally established for the existing structure, as they existed prior to the current Ordinance. The structure as it exists, can be rebuilt as-is 100% under the current Ordinance. Therefore, the request to legally establish the deficient side setbacks is not needed for the use of, or to remodel the existing structure as built.
- However, instead of remodeling the existing two-bedroom structure and using it as is, the requested variances are a result of the petitioner's intent to legalize the existing residence parameters for use with a proposed larger dwelling through a new construction expansion. The proposed expansion would be beyond the scope of a permitted remodel and would forfeit the legally non-conforming status of the existing dwelling. It would provide for new construction for a three-bedroom dwelling, including an expanded second floor, and partial third floor, both being greater in square footage and building height than the existing structure. This is the result of the need for the multiple variance requests.
- The intent of legally establishing deficient setbacks of original built pre-ordinance development should only apply when the original built structure is being remodeled or reconstructed in a similar fashion. Any expansion of the new construction beyond the original development, on a deficient sized lot would significantly intensify the use of the site, and negatively impact adjacent dwellings.

(Continued)

#### STAFF REPORT 2022-DV2-045 (Continued)

- The vertical expansion of the dwelling as indicated in the submitted elevations and floor plans, would expand the second-floor area, and increase the structure height. Staff is concerned the proposed new construction expansion would be too close to the existing power lines to satisfy AES/IPL separation requirements. Therefore, if this variance should be granted, Staff is requesting a commitment that the adjacent above ground utility power lines be buried or moved if needed to satisfy AES/IPL's separation requirements from the dwelling structures.
- The request to provide for zero-off street parking is a result of the petitioner's intent to increase the intensity and use of the site by constructing a dwelling larger than the existing dwelling, thereby forfeiting the existing legally non-conforming status of the existing structure, and lack of off-street parking. As proposed, an off-street parking space can be provided in the open space area to the south of the existing structure. The desire not to provide the off-street parking space is self-imposed, and not a practically difficulty as a result of the subject site.
- Therefore, for the variances as requested for the new-construction expansion of the existing dwelling, Staff is recommending denial of the request.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN

This portion of South Alabama Street is classified in the

Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-

way.

SITE PLAN File-dated December 14, 2022.

FINDINGS OF FACT File-dated November 11, 2022.

#### **ZONING HISTORY**

**2020-DV2-031**; **301 Sanders Street (north of site)**, requested a variance of development standards to provide for a single-family dwelling with a twelve-foot front setback, four feet between dwellings, 52 percent open space and a detached garage, with both buildings within the clear sight triangle of the abutting streets and alley, **granted.** 

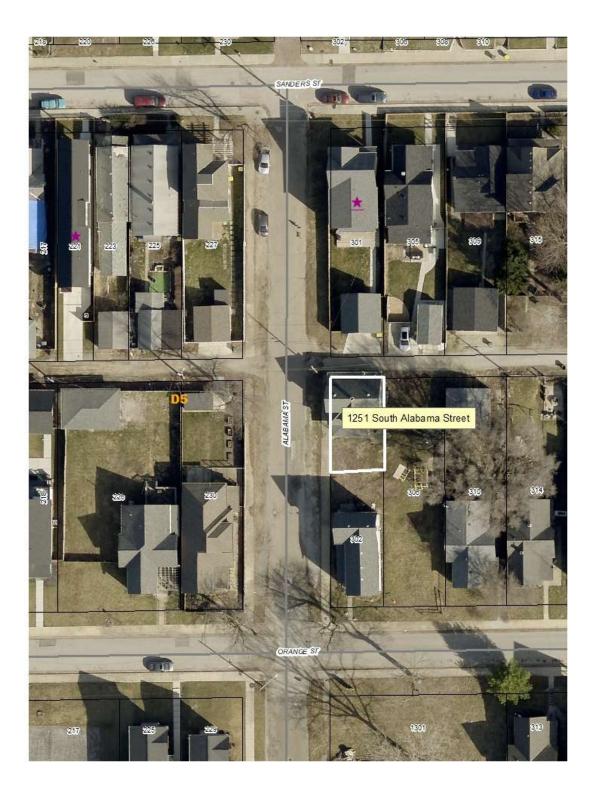
**2018-DV1-001**; **317 Orange Street (south of site)**, requested a variance of development standards to provide for a single-family dwelling, with an eight-foot front setback, with eight feet between primary dwellings, a detached garage with three-foot side setbacks, and with an open space of 54%, granted.

**2017-DV1-052, 221 Sanders Street (west of site)**, requested a variance of development standards to legally establish a lot with 20 feet of frontage, and to provide for a two-story single-family dwelling with an attached garage, with an eight-foot front setback, two-foot side yard setbacks, five feet between dwellings, and 50 percent open space in a D-5 district, **granted.** 

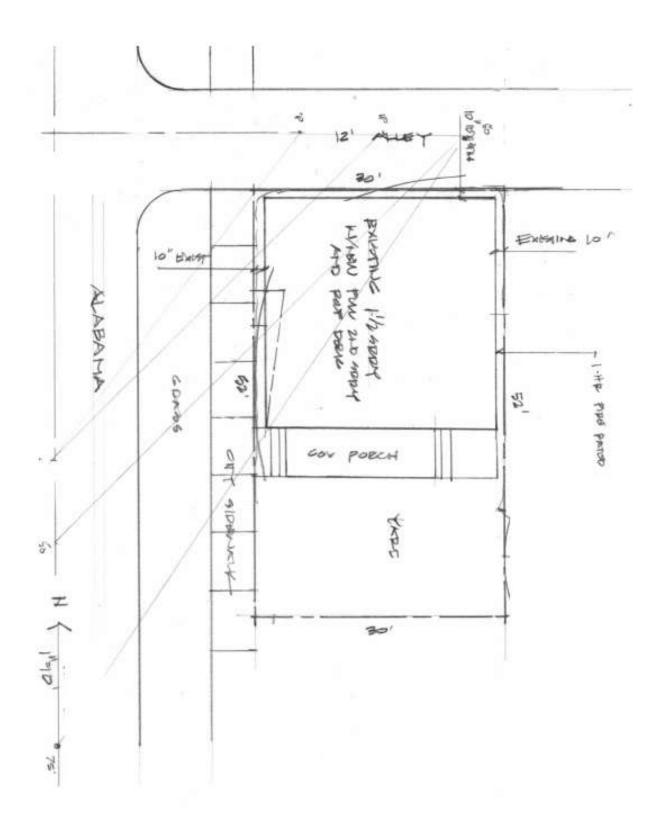
**2016-DV3-027**; **325 Sanders Street (east of site)**, requested a variance of development standards to provide for a single-family dwelling, with six feet between primary buildings, and with a 12-foot front setback, **granted**.

RU \*\*\*\*\*\*

# 2022-DV2-045; Location Map



# 2022-DV2-045; Site Plan



# 2022-DV2-045; Existing Elevations



# 2022-DV2-045; Proposed Elevations



# 2022-DV2-045; Photographs



Subject site with existing structure, looking southeast.



Subject site with existing structure, and adjancet side yard, looking east.



Adjacent dwellign to the south, looking north.



Adjacent dwelling to the north.



Adjacent dwelling to the west, looking northwest.



Adjacent undeveloped lot to the east, looking north.

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-SE1-001

Address: 4330 Michigan Road (approximate address)
Location: Washington Township, Council District #8

Zoning: SU-2 (FW) (FF)

Petitioner: Veracity Land Use Development Services, by Michael Clust Request: Special Exception of the Consolidated Zoning and Subdivision

Ordinance to provide for a wireless communications facility with a 200-

foot-tall monopole tower and a four-foot lightening rod.

The petitioner has indicated that they intend to withdraw this petition. This would merely require the Board's acknowledgement.

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV1-062 (2nd Amended)

Address: 1012 Olive Street (approximate address)
Location: Center Township, Council District #17

Zoning: D-5 (TOD)
Petitioner: Kristen Fern

Request: Variance of development standards of the Consolidated Zoning and

Subdivision Ordinance to provide for a driveway with a zero-foot north side yard setback and a three-foot rear yard setback (three-foot side yard setback and 20-foot rear setback required) providing access from Olive Street (exclusive vehicle access from improved alley required), also with the existing single-family dwelling encroaching within the clear site triangle of Olive Street and the driveway (encroachment into

the clear site triangle not permitted).

### **ADDENDUM APRIL 4, 2023**

This petition was continued for cause at the request of the petitioner to allow time to amend the petition and provide new notice.

An amended site plan, file dated March 21, 2023, was provided to the file.

The amended request provides for an additional variance of development standards to allow the existing porch to be within the clear sight triangle of the proposed driveway. There is no practical difficulty for this additional request, along with the original request, as the proposed driveway could be relocated to access the improved alley as the Ordinance requires, thereby allowing the site to be developed without the need for any variances and eliminating the entire petition request.

Staff continues to recommend denial of the request as amended.

#### **ADDENDUM MARCH 3, 2023**

This petition was automatically continued at the request of a registered neighborhood organization, from the February 7, 2022, hearing to the March 7, 2023, hearing.

### **ADDENDUM FEBRUARY 7, 2023**

This petition was previously automatically continued at the request of the petitioner, from the January 3, 2022, hearing to the February 7, 2023, hearing.

A registered neighborhood organization filed a timely automatic continuance, continuing this petition from the February 7, 2023, hearing, to the March 7, 2023, hearing.

(Continued)

#### Item 6.

#### **January 3, 2023**

#### **RECOMMENDATIONS**

Staff **recommends denial** of this petition.

#### **SUMMARY OF ISSUES**

#### LAND USE

EXISTING ZONING AND LAND USE

D-5 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North - D-5 Single-family dwelling
South - C-3 Commercial development
East - D-5 Single-family dwelling
West - D-5 Single-family dwelling

COMPREHENSIVE PLAN The Comprehensive Plan recommends Traditional

Neighborhood uses for the site.

#### **DEVELOPMENT STANDARDS**

- Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to side and rear setbacks are intended to provide a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- Staff believes the proposed driveway with a zero-foot north side yard setback and a three-foot rear yard setback would not provide sufficient area for accessibility and maintenance and would negatively impact the adjoining properties to the north and to the west.
- No practically difficulty exists for the property, since the proposed driveway can be relocated to an area on site that meets the required Ordinance setbacks. Any practical difficulty related to the proposed driveway setbacks would be self-imposed, by the proposed location.
- This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The "Access to accessory parking areas" provision states that "... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley." In addition, per Section 744-401 of the Ordinance. The "Access to and from parking lots and garages" provision states that "... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line."

(Continued)

Item 6.

- ♦ The Department of Business and Neighborhood Services has determined that the abutting alley to the south of the property is an "improved" alley, and therefore access from Olive Avenue for an accessory parking area / driveway would not be allowed, per the Ordinance.
- The property has an existing curb cut from the alley at the southeast corner of the lot. The proposed driveway does not utilize this existing curb cut, and instead creates a new curb cut along Olive Street, reducing sidewalk access and on-street parking.
- ♦ Aerial photos indicate the property has a history of providing alley access and a driveway from the alley to a garage as recent as 2012.
- Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- No practically difficulty exists for the property, since the site has previously established alley access and could continue to do so, either with the existing alley access, or a new alley access, by right. Any practical difficulty related to the proposed curb cut access from Olive Street would be self-imposed, by the proposed design.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN

This portion of Olive Street is designated as a local street on the

Official Thoroughfare Plan, with an existing and proposed 60-

foot right-of-way.

SITE PLAN (AMENDED) File-dated, March 21, 2023

FINDINGS OF FACT File-dated, November 29, 2022

### **ZONING HISTORY**

**2020-DV2-040**; **933 Olive Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to a single-family dwelling with seven feet between buildings, a 17-foot rear setback and 52% open space, **granted.** 

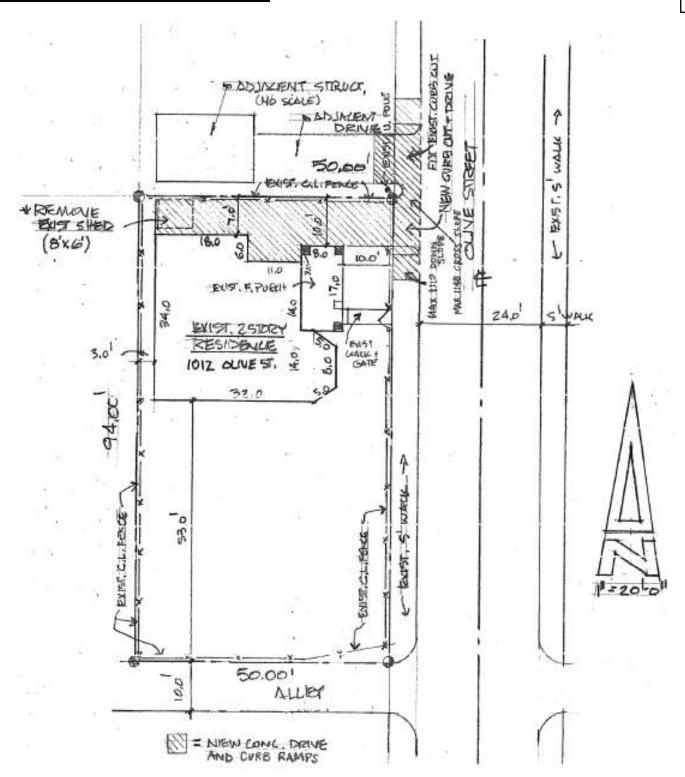
**2018-HOV-006**; **1134 Woodlawn Avenue (north of site),** requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 49%, and to legally establish an existing dwelling with a 1.33-foot west side setback, a 15-foot front setback and less than 10 feet between primary dwellings, **granted.** 

**2018-HOV-085**; **1113 Woodlawn Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with 4.4 feet and 5.6 feet between dwellings, **granted**.

RU \*\*\*\*\*\*

# 2018-DV2-003; Location Map





# 2022-DV1-062; Photographs



Picture 1: Subject site, looking northwest.



Picture 2: Subject site proposed driveway and curb cut location, looking west.



Picture 3: Subject site south side yard, looking west.



Picture 4: Subject site location of existing parking area with alley access, and former garage that was removed sometime after 2012, looking north.



Picture 5: Subject site location of existing curb cut from the alley, for previous driveway and garage, that was removed sometime after 2012, looking northwest.



Picture 6: Adjacent property to the east, with garage alley access, looking north.



Picture 7: Adjacent property to the north without alley access, looking northwest.



Picture 8: Adjacent commercial property to the south of subject site, looking southwest.



#### **BOARD OF ZONING APPEALS DIVISION I**

**April 4,2023** 

Case Number: 2023-UV1-006 (Amended)

Property Address: 201 West 38th Street and 3750 North Capitol Avenue (approximate

address)

Location: Center Township, Council District #7t

Petitioner: Martin Petroleum Inc., by Pat Rooney

Current Zoning: C-4 / D-5

Variance of use and development standards of the Consolidated Zoning and

Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side

transitional yard (10-foot side transitional yard required).

**Current Land Use:** Commercial (Automobile fueling station)

Staff

Request:

Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

#### **PETITION HISTORY**

This petition was automatically continued from the March 7, 2023 hearing to the April 4, 2023 hearing at the request of a registered neighborhood organization.

#### **ADDENDUM FOR APRIL 4, 2023**

The petitioner filed an updated site plan on March 20, 2023 that relocated the dumpster to be in line with the façade of the convenience store, removing it from the front yard, proposed the required bike parking spaces to the east of the building and noted nine frontage trees. The variances associated with these items were no longer necessary, so the request was amended.

Unfortunately, the new location of the additional tree resulted in staff's observation that most of the required street trees would fall within the clear sight triangles of the abutting streets and alley. Therefore, this petition would either need to be continued and amended with new notices for the inclusion of the additional variance or a separate petition would need to be filed to address the issue.

Staff continues to recommend denial of the request as amended.

#### March 7, 2023

This petition was scheduled to be heard March 7, 2023, by the Board of Zoning Appeals Division I.



#### STAFF RECOMMENDATION

Staff is recommending denial of the request.

#### **PETITION OVERVIEW**

#### **VARIANCE OF USE**

This request would allow the redevelopment of a convenience store within the D-5 and C-4 districts. The site consists of two parcels with the north parcel split zoned between D-5 and C-4 and the southern parcel zoned D-5.

The purpose of the C-4, Community-Regional District is to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The uses permitted in this district may feature several large traffic generators and require excellent access from major thoroughfares.

The purpose of the D-5 (Dwelling District Five) district is intended for medium intensity residential development and is not intended for suburban use. The application of this district will be found within urban, build-up areas of the community and where all urban public and community facilities and services are available. The D-5 district typically has a density of 4.5 units per gross acre. This district fulfills the low and medium density residential classification of the Comprehensive General Land Use Plan.

The Comprehensive Plan recommends village mixed-use development for the northern parcel (201), which the C-4 (community-regional commercial) District would be consistent with the recommendation, depending upon the context of the site. In this case, surrounding land uses are commercial along the north, west and east, but low-density residential is located south and would not be adequately buffered from this more intense 24-hour / seven-day use. The proposed use would not be appropriate for the southern parcel because the Comprehensive Plan recommends traditional neighborhood development, which would align more with small-scale offices, retailing, and personal or professional services rather than a regional use.

The commercial intensity and the impact upon the surrounding residences would include, but not be limited to, light, noise, and trash. Furthermore, the proposed use would be more of a regional draw, rather than serving just the surrounding residential neighborhood and would be a wholly and inappropriate commercial encroachment into a D-5 protected district. For these reasons, staff is recommending denial of the variance of use.

Staff would note that the existing site at 201 West 38<sup>th</sup> Street could be completely rezoned to C-4 to prevent issues with developing the site in the future.



#### VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for a zero-foot south side transitional yard where the Ordinance requires a 10-foot south side transitional yard. The purpose of the 10-foot transitional yard is to provide separation and a buffer between residential uses and more intense uses, such as a fueling station and convenience store. The impact of this 24-hour, seven-day operation upon residential uses would be magnified with the proposed transitional yard reductions. Admittedly, the configuration of the site presents development challenges with dwelling district at the northwest corner, but staff determined the reduced setbacks are a result of the proposed expansion of the use, which would be detrimental to the surrounding neighborhood.

This request would allow for a trash container service area to encroach into the front yard of 38<sup>th</sup> Street in the front of the building line of the primary building when the Ordinance prohibits service areas in front of the primary building. The dumpster enclosure could be moved south to align with the front building façade to eliminate this variance request.

The site would not have the necessary bicycle parking spaces on site, but they could be proposed to eliminate this variance as well.

Lastly, the request would provide for eight frontage trees where nine are required. Staff would note that one of the proposed trees could be relocated to be within 10 feet of the eastern property boundary for it to count towards the required frontage trees and meet the requirement without the need for this variance.

The lack of a south transitional yard, the location of the trash container service area in the front yard and the lack of bicycle spaces and deficient frontage trees show clear evidence that this site is not suitable for a convenience store and fueling station and would have a negative impact on the surrounding residential neighborhood. The proposed use would be better suited on a site that would accommodate the proposed use, while complying with required development standards.

If approved against staff's recommendation, the Department of Public Works would request that the eastern most driveway along 38<sup>th</sup> Street be closed to reduce vehicular conflicts with the heavy pedestrian traffic along this corridor.

#### **GENERAL INFORMATION**

Existing Zoning	C-4 / D-5s			
Existing Land Use	Commercial / Undeveloped Lot			
Comprehensive Plan	Village Mixed-Use and Traditional Neighborhood Development			
Surrounding Context	Zoning	Surrounding Context		
North:	C-3	North: Commercial		
South:	D-5	South: Undeveloped Lot		
East:	C-4 / D-5	East: Commercial / Residential		
West:	D-5	West: Commercial and Residential		
Thoroughfare Plan				
Enter Street(s)	38 <sup>th</sup> Street Capitol Avenue	Primary arterial street. Primary arterial street.		



Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection	No	
Area	INO	
Site Plan	January 20, 2023	
Site Plan (Amended)	March 20, 2023	
Elevations	January 20, 2023	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 20, 2023	
Findings of Fact (Amended)	N/A	

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)

#### Pattern Book / Land Use Plan

- The Pattern Book recommends Village Mixed-Use and Traditional Neighborhood development.
- The subject site is also located within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove uses included in this request.
- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.



• The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site is located within the Red Line TOD Strategic Plan, but it is not located within the Transit Oriented Development Secondary Zoning District.
- The closest station to the site is located within a ½ a mile to the east at the intersection of 38<sup>th</sup> Street and Meridian Street. This station is categorized as a District Center with the potential for a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories with no front or side setbacks, multi-family housing with a minimum of 5 units and structured parking only with active first floor.
- TOD investments here should leverage significantly higher residential and employment densities, demonstrations projects, urban living amenities and workforce housing.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### **Infill Housing Guidelines**

 If residential development were proposed, then these guidelines would help to provide a framework that allows for new types of development to occur in a way that is compatible with existing development.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

 Indy Moves Transportation Integration Plan (2018), which includes PedalIndy Bicycle Master Plan, notes that 38<sup>th</sup> Street will be proposed as an off-street multi-use path with Complete Street upgrades from Eagle Creek Pkwy to Meridian Street.

Item 7.



# Department of Metropolitan Development Division of Planning Current Planning

- The West 38th Street multi-use path will provide a critical east-west connection on the near Northwest side of Indianapolis. To complete the multi-use path, no driving lanes will be removed, so impacts to drivers will be minimal. The path will include bicycle and pedestrian bridges over Crooked Creek, Guion Road, and Little Eagle Creek, with modifications to bridges over the White River and Central Canal.
- The plan would consider pedestrian and bicycle network/route connectivity, sidewalk/multi-use path consistency; reducing unnecessary road crossings as permitted, and for facilities to be designed for the safety & comfort for all ages and ability levels
- Capitol Avenue is developed with an on-street bike lane per Indy Bike Master Plan (2011).



#### **ZONING HISTORY**

**ZONING HISTORY - SITE** 

**EXISTING VIOLATIONS** 

None.

#### **PREVIOUS CASES**

**85-UV1-34**; **201 West 38th Street** (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include an 8.6-foot rear transitional yard (20 feet required) and a pole sign located at six and eight feet from 38th Street and Capitol Avenue respectively (15 feet required), **granted.** 

#### **ZONING HISTORY – VICINITY**

**2018-UV3-026**; **227 West 38th Street** (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility (not permitted), **granted.** 

**2013-CVR-814**; **148 West 28th Street** (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline station and a 484-square foot addition to an existing building, with a canopy with a 64.42-foot setback from the centerline of Capitol Avenue (70-foot setback from centerline required), with a parking area with a zero-foot setback from Capitol Avenue (10-foot front setback required), with access drives with a 1.5-foot front setback along Capitol Avenue and a 2.5-foot front setback along 38th Street (10-foot front setback required), with carryout food service within 10 feet of a D-5 zoned protected district (100-foot separation required), withdrawn.

**2013-UV1-038**; **202 West 38th Street** (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,380-square foot storage addition (not permitted) for a tire sales and repair shop, with a one-foot north side transitional yard (20-foot transitional yard required), **withdrawn.** 

**95-V1-128**; **3807 Graceland Avenue** (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally-establish a detached garage measuring 27 x 33 feed: a0 resulting in the square footage devoted to accessory buildings being 80% of the square footage devoted to the primary building (maximum 75% permitted); b) with a side yard setback from the north property line being 2.4 feet (minimum 4 feet required); c) resulting in 46% of the lot being open space (minimum 65% required), **granted.** 

**93-UV2-23**; **227 West 38th Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an automobile repair shop with the variance being valid only for Albert Sutton, **granted.** 

Item 7.



# Department of Metropolitan Development Division of Planning Current Planning

**89-AP2-4**; **227 West 38th Street** (west of site), Approval of extension of time to obtain an Improvement Location Permit to modify condition #2 concerning the site plan approved pursuant to petition 88-UV2-9, **granted.** 

**89-UV3-96; 148 West 28th Street** (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a restaurant with carry-out service, **denied.** 

**88-UV2-9**; **227 West 38th Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an automobile repair business with signs. The grant shall be for a temporary period of five years, expiring January 12, 1993, **granted.** 

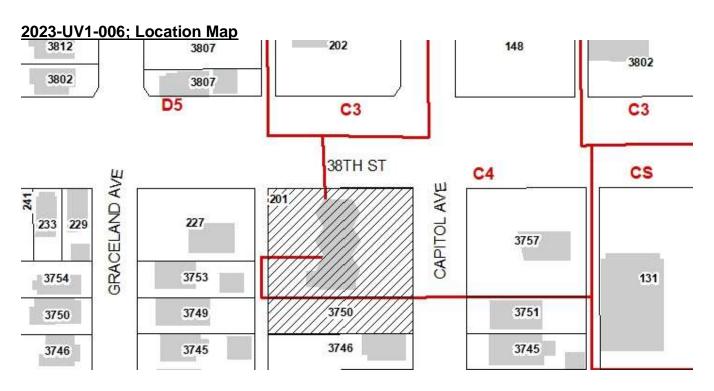
**85-UV1-34**; **201 West 38th Street** (subject site), Variance of use of the Dwelling Districts Zoning Ordinance and development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include a 6.6-foot rear transitional yard (20 feet required) and a pole sign located at 6 and 8 feet from 38th Street and Capitol Avenue respectively (15 feet required). The sign will also include separate panels for the food mart, gas prices and food mart items, **granted.** 

**84-UV2-21**; **227 West 38th Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a former service station for automobile repair to be a temporary variance for three years, expiring on March 20, 1987, **granted.** 

**83-UV2-78**; **3801 North Capitol Avenue** (northeast of site), Variance of use and development standards to provide for a carry-out restaurant within one-hundred feet of a residential zoning district, a reduction in required transitional yards, a drive-up window canopy in required front yard setback and a pole sign within the clear-sight area, **granted**.



### **EXHIBITS**

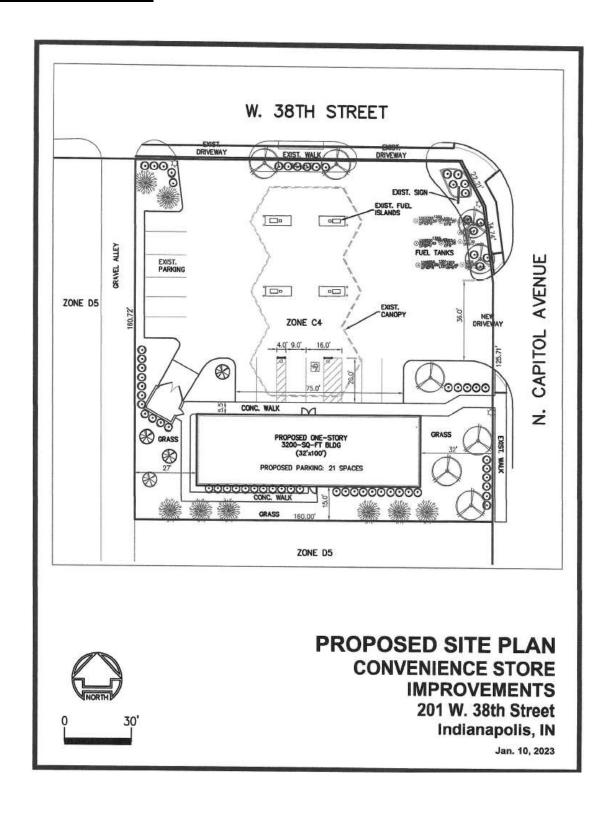








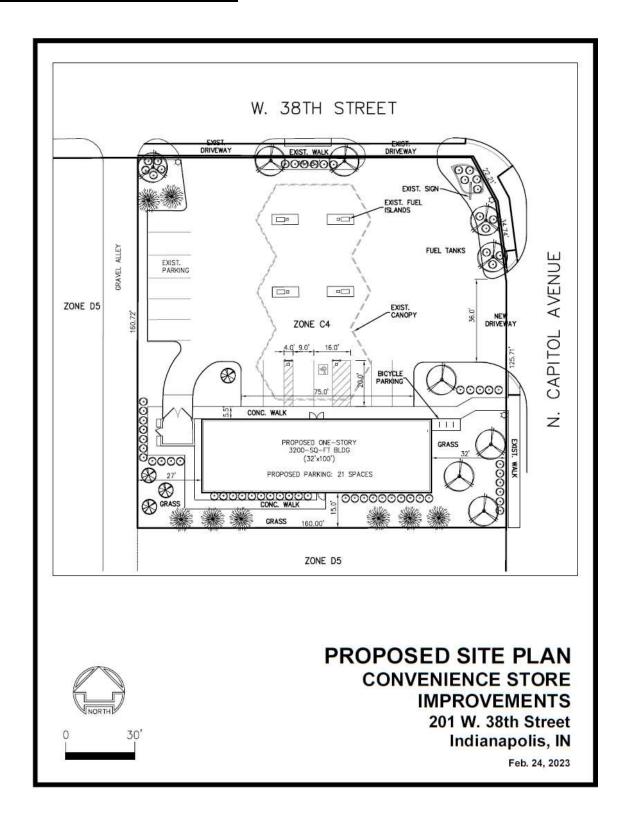
### 2023-UV1-006; Site Plan







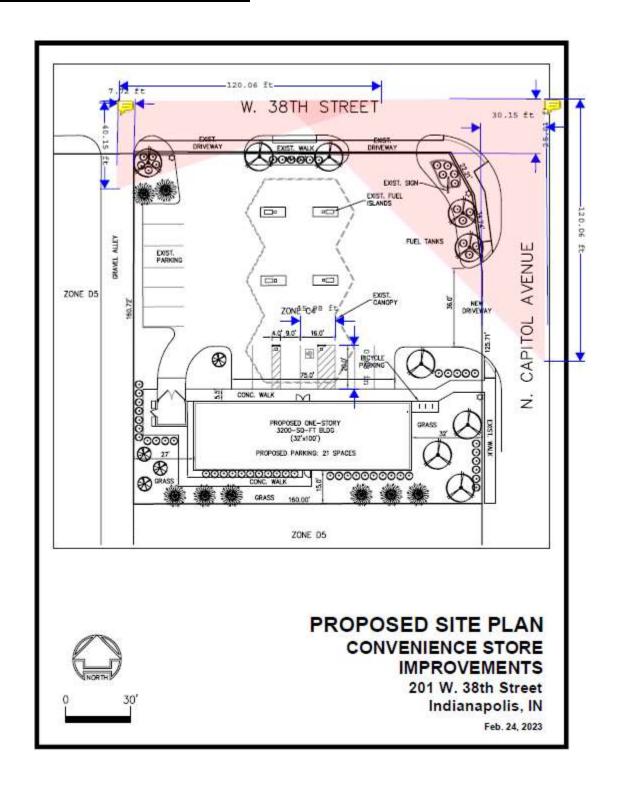
### 2023-UV1-006; Amended Site Plan







### 2023-UV1-006; Clear Sight Triangles



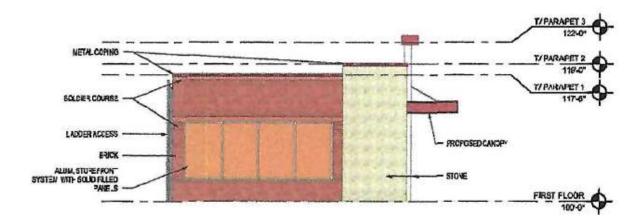




## **2023-UV1-006**; Elevations



# 5 EXTERIOR VIEW SCALE: NIS



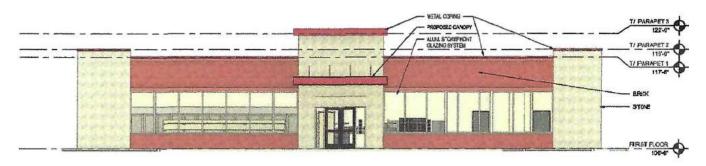




### 2023-UV1-006; Elevations (Continued)



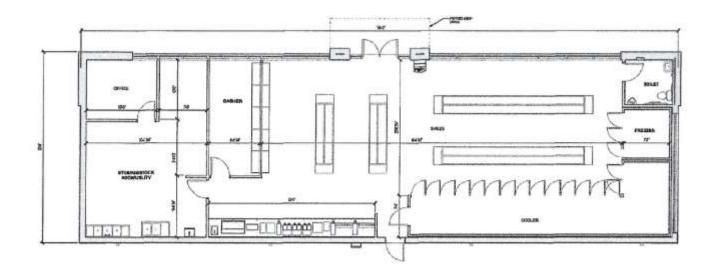
# 4 EXTERIOR VIEW SCALE: NIS







### 2023-UV1-006; Floor Plan









2023-UV1-006; Plan of Operation

### PLAN OF OPERATIONS

The Petitioner plans to have the subject property continue with its operation as an existing retail gas station. The convenience store will be expanded with the additional space to be used for additional inventory as depicted and described in the site plan, floor plan and renderings submitted simultaneously herewith. If the Variance is granted, Petitioner will hire additional employees for a total of approximately six employees. Petitioner is willing to make a commitment to hire individuals from the local community, as well as any other commitments reasonably requested by Staff or any relevant third party.



2023-UV1-006; Findings of Fact

### PETITION FOR VARIANCE OF USE

## **FINDINGS OF FACT**

sufficient buffer to the residential properties to the south, and the property will be more aesthetically plea	ssina
	aon ig:
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDING VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER	BECAUSE
granting the variance will increase the value of the subject property and the adjacent properties because	e the property will
be redeveloped with a new and improved building instead of the old, dilapidated building currently on the	e property.
3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR PROPERTY INVOLVED BECAUSE	
a portion of the property is C-4 and a portion of the property is D-5, and the property was developed as	a gas station when
convenience stores mainly sold tobacco products instead of now when the convenience stores sell groc	eries which require
a building with much larger square footage in order store and display the products.	
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CO AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY THE VARIANCE IS SOUGHT BECAUSE	FOR WHICH
the subject property has two zoning classifications thereby unduly resticting the ability to expand the con	venience store
which is necessary for the petitioner to update the building to match the times and allow petitioner to sel	I the same
inventory being offered by petitioner's competitors instead of going out of business.	





### 2023-UV1-006; Photos



Subject site and street frontage along 38th Street looking east.



Western property boundary abutting an alley.







Existing southern property boundary and undeveloped residential lot to be included in the site.



Proposed location of the new convenience store abutting single-family dwellings to the south.







Street frontage along Capitol Avenue looking south.



Undeveloped residential lot to be included in the project development.





Commercial and residential uses east of the site.



Commercial use north of the site.



Commercial use west of the site.

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-009

Address: 1313 Gumwood Drive (approximate address)

Location: Wayne Township, Council District #6

Zoning: D-4

Petitioner: Toni Clark

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide for the location of a mini-barn with a 0.5-foot west side yard setback (five foot-side yard setback required).

#### **RECOMMENDATIONS**

Staff **recommends denial** of the variance petition.

### **SUMMARY OF ISSUES**

#### LAND USE

EXISTING ZONING AND LAND USE

Metro D-4 Single-family dwelling

#### SURROUNDING ZONING AND LAND USE

North	D-4	Single-family dwelling
South	D-4	Single-family dwelling
East	D-4	Single-family dwelling
West	D-4	Single-family dwelling

COMPREHENSIVE PLAN The Comprehensive Plan recommends traditional neighborhood

development.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ♦ The request would provide for a 12 by 18-foot min-barn with a 0.5-foot west side yard setback
- Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values, by providing for open buffer areas along lot lines, and to ensure adequate access around structures to help maintain the property without requiring access through adjacent properties.

(Continued)

### STAFF REPORT 2023-DV1-009 (Continued)

- No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since either a smaller mini barn can be placed in the same location to meet the side setback, or the existing 12 by 18-foot mini barn could be relocated to another area of the site, without the need for a variance of development standards.
- There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required setbacks of the Ordinance. Given that there is no practical difficulty associated with this site, the mini barn should either be relocated to another located on site or replaced with a smaller barn that meets the standards of the Ordinance.

### **GENERAL INFORMATION**

THOROUGHFARE PLAN

This portion of Gumwood Drive is classified in the Official

Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

SITE PLAN File-dated March 23, 2023.

FINDINGS OF FACT (Amended) File-dated March 8, 2023

### **ZONING HISTORY**

**2007-DV2-023**; **1313 Gumwood Drive (subject site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling with a 0.5-foot west side setback and a 12.5-foot aggregate side yard setback, and to legally establish a 294-square foot attached garage, a 240-square foot attached carport, a 232-square foot deck, a 200-square foot deck, a 988-square foot pool and deck, and a 211-square foot pool house, resulting in an accessory use area of 2,145 square feet or 135.9 percent of the total living area of the primary structure, **denied.** 

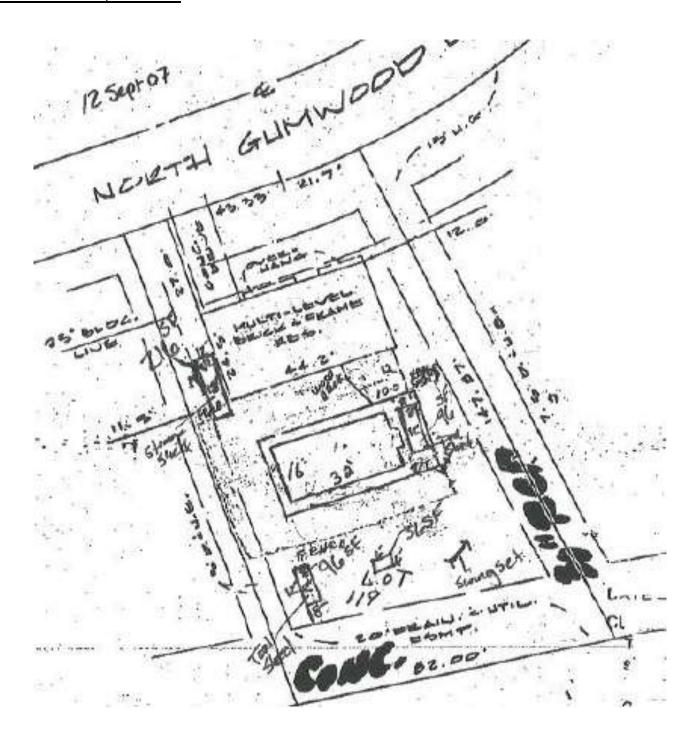
**2003-DV2-026**; **1552 Woodpointe Drive (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 103.30-square foot, 10 by 10.33-foot wood deck, with a two-foot side yard setback and a twelve-foot aggregate side yard setback, **denied**.

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# 2023-DV1-009; Location Map



## 2023-DV1-009; Site Plan



# 2023-DV1-009; Pictures



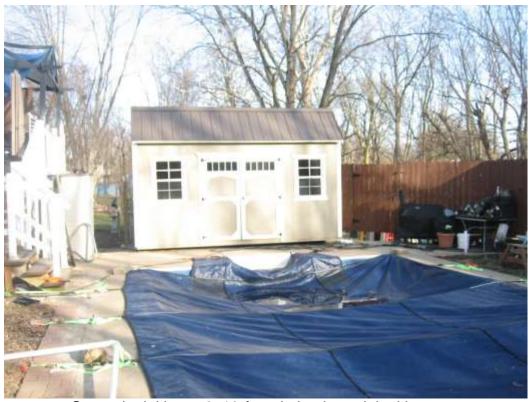
Subject site, looking south



Subject site, 12x18-foot mini barn with 0.5-foot west side setback, looking south



Subject site, 12x18-foot mini barn with 0.5-foot west side setback, looking north from back yard



Second mini barn, 8x12-foot, in back yard, looking east



Third mini barn, 8x12-foot, in back yard, looking west



Forth mini barn, 6x6-foot, in back yard, looking south.



Adjacent dwelling to the west, looking south



Adjacent dwelling to the east, looking south

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-011

Address: 902 East 66th Street (approximate address)
Location: Washington Township, Council District #2

Zoning: D-4 (TOD)

Petitioner: A Ciobanu Properties LLC, by Andrea Ciobanu

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide for a five-foot tall fence within the front yards of Ferguson Street and East 66th Street (maximum 3.5-foot-tall fence

permitted within front yards), and encroaching within the clear sight triangle of their intersection, with the location of automated gates within the clear sight triangle of two vehicular access drives (encroachment

within clear sight triangles not permitted)

#### **RECOMMENDATIONS**

Staff recommends denial of this request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### LAND USE

EXISTING ZONING AND LAND USE

D-4 Compact Office

#### SURROUNDING ZONING AND LAND USE

North D-4 Office

South D-4 Residential (Single-family dwelling)

East D-4 Religious Use

West D-10 Residential (Multi-family apartments)

COMPREHENSIVE PLAN The Comprehensive Plan recommends village mixed-use

development.

The 0.32-acre subject site is developed with a single-family dwelling that was permitted for the conversion of the first floor as office use and second floor residential use through 94-UV1-73. The property to the north is zoned residentially but used as an office. A church is located east of the site and the properties west and south are residentially zoned and used as such.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ♦ The request would allow for a five-foot tall fence in the front yards of Ferguson Street and East 66<sup>th</sup> Street and within the clear sight triangle of the abutting streets when a maximum 3.5-foot-tall fence is permitted by the Ordinance in the Dwelling districts and prohibited within the clear sight triangle.
- A fence with 30% opacity or less could permit a maximum height of four feet in the front yard without a variance. The type of fence on site would allow for a four-foot maximum fence height at this location, but it would still need to be outside of the clear sight triangle.
- ♦ The request would also allow for automated gates to be located within the clear sight triangles of two vehicular access drives where they are not permitted.
- All of the variance requests are related to an open zoning violation case (VIO23-000246) that was reported regarding an existing fence and associated gates that were improperly installed. The initial submittal of a complaint to the Mayor's Action Center shows that there is a neighbor or community concern regarding the installed fence.
- ♦ Furthermore, Staff does not support variance requests that would have otherwise been prevented if proper due diligence had occurred.
- The grant of the request would be injurious to the public safety of the community because the relocation of the fence outside of the clear sight triangles while meeting the height limitations of the Ordinance would provide the best opportunity for accident prevention due to the high level of pedestrian and cyclist travel within the immediate area that does not already provide sidewalks for safe travel.
- The strict application of the terms of the Zoning Ordinance would not result in practical difficulty with the use of the site since the office and residence could still be operated on site with the restrictions of the Ordinance. A slightly shorter fence with entrance gates pushed further back on the site could prevent vehicles and people from entering the fenced area.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN 66<sup>th</sup> Street is classified in the Official Thoroughfare Plan for

Marion County, Indiana as a local street, with a 40-foot existing right-of-way and a 48-foot proposed right-of-way.

THOROUGHFARE PLAN Ferguson Street is classified in the Official Thoroughfare

Plan for Marion County, Indiana as a local street, with a 43foot existing right-of-way and a 48-foot proposed right-of-

way.

SITE PLAN File-dated February 27, 2023.

FINDINGS OF FACT File-dated February 27, 2023.

(Continued)

#### **ZONING HISTORY - SITE**

#### **EXISTING VIOLATIONS**

1. VIO23-000246 (subject site) Failure to comply with use-specific standards and zoning district development standards for the D-4 district; (Table 744-510-2: - Fence height exceeding 48 inches in the front yard) and Failure to comply with use-specific standards and zoning district development standards for the D-4 district;(740-304. - No obstructions shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5ft. and 8ft. above grade level of the adjoining right-of-way within a Clear Sight Triangular Area- 5ft fence.)

#### PREVIOUS CASES

**94-UV1-73**; **902** East 66<sup>th</sup> Street (subject of site), Variance of use of the Dwelling Districts Zoning ordinance to permit the first floor of the existing structure to be used for professional offices and a variance of development standards of the Sign Regulations to legally establish an existing 15.2 square foot ground sign (maximum one square foot permitted) within the required 15-foot setback from the rights-of-way of Ferguson and 66<sup>th</sup> Street, **granted.** 

**88-UV3-103**; **902** East **66**<sup>th</sup> Street (subject of site), Variance of use of the Dwelling Districts Zoning ordinance to provide for an interior design studio, **withdrawn**.

**83-UV1-150**; **6607 Ferguson Street** (subject of site), Variance of use and development standards to provide for a travel agency office, **granted.** 

**79-UV1-11; 6607 Ferguson Street** (subject of site), Variance of use and development standards to provide for an interior design studio, **granted.** 

#### **ZONING HISTORY – VICINITY**

**2021-CVR-812**; **6572 Cornell Avenue** (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a three-foot front transitional yard along 66th Street, with a wood porch and handrail encroaching into the front transitional setback and right-of-way of 66th Street, to legally establish portions of a four-foot tall and six-foot tall fence in the front yards of 66th Street and Cornell Avenue, portions of the parking lot in the front yard of 66th Street, a playground in the front yard of Cornell Avenue, portions of a parking lot in the west side transitional yard (12-foot front transitional yard, structures not permitted within the right-of-way and 10-foot side transitional yard required, maximum 3.5-foot tall fence permitted, parking and playground not permitted in the front yard), **granted.** 

**2016-UV1-008**; **6556 Ferguson Street** (southwest of site), Variance of use of the Commercial Zoning Ordinance to provide for a contract florist office and staging facility for special events (not permitted), **granted.** 

**2015-CZN-801 / 2015-CVR-801**; **806**, **808**, **812** and **888** East **66**<sup>th</sup> Street and **6616** and **6618 Ferguson Street** (west of site) Rezoning of 1.34 acres from the D-4 (FF) and D-10 (FF) districts to the D-10 (FF) classification to provide for multi-family development and Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a four-story, 93-unit multi-family dwelling with 15-foot front setbacks from 66<sup>th</sup> and Ferguson Streets, with the 66<sup>th</sup> Street entryway having an 11-foot front setback (minimum 25-foot front setback required), with a 10-foot southwest side perimeter yard and zero-foot north and northwest perimeter yards (20-foot perimeter yards required), with a 1.94 floor area ratio (maximum 0.80 floor area ratio required), with a 0.18 open space ratio (minimum 0.87 open space ratio required), with a livability space ratio of 0.10 (minimum 0.49 livability space ratio required), with a major livability space ratio of 2ero (minimum major livability space ratio of 0.095 required), **granted.** 

**2015-HOV-034**; **806**, **808**, and **812** East 66th Street and 6616 and 6618 Ferguson Street (west of site), Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for one square inch of openings for every one square feet of enclosed area (one square foot of openings for every two square feet of enclosed area required), **granted**.

**2014-CZN-820 / 2014-CVR-820, 806, 808, 812 and 888 East 66th Street and 6616 and 6618 Ferguson Street** (west of site), Rezoning of 0.91 acre from the D-4 (FF) to the D-10 (FF) to provide for a 63-unit multi-family development, Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a four-story, 63-unit multi-family dwelling with 15-foot front setbacks from 66th and Ferguson Streets (minimum 25-foot front setback required), with 14-foot north and 12.5-foot west side perimeter yards (20-foot perimeter yards required), with a 1.80 floor area ratio (maximum 0.80 floor area ratio required), with a 0.22 open space ratio (minimum 0.87 open space ratio required), with a livability space ratio of 0.13 (minimum 0.49 livability space ratio required), with a major livability space ratio of zero (minimum major livability space ratio of 0.095 required), with two, four-foot tall freestanding signs having approximate twelve- and eleven-foot front setbacks from 66th Street and one, four-foot tall freestanding sign having an approximate nine-foot front setback from Ferguson Street (15-foot front setback required), and the Ferguson Street sign being within the clear sight triangle of the parking garage entrance (structures not permitted within the clear sight triangle).approved and granted.

**2008-VAR-002**; **6568 Cornell Avenue** (southeast of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a building with a ten-foot front setback from the existing right-of-way of Cornell Avenue (minimum twenty-foot front setback required), a building with a five-foot south side setback and parking with a zero-foot south side setback (minimum fifteen-foot south side transitional yard required), an interior drive aisle and parking with a zero-foot north side setback (minimum ten-foot north side yard required), parking with a five-foot rear transitional setback (minimum ten-foot rear transitional yard required), reduced landscaping in the required front, side and rear yards (landscaping required), deficiently-sized off-street parking spaces (minimum 180-square foot spaces required), and a 4,796-square foot, mixed-use building with 12 off-street parking spaces with reduced maneuvering area (minimum 19 off-street parking spaces required; adequate vehicular maneuvering area required), **granted.** 

**2005-UV3-025**; **6568 Cornell Avenue** (southeast of site), Variance of use to provide for office use in D-4, **granted.** 

(Continued)

**2004-UV3-011**; **6572 Cornell Avenue** (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for an art studio with an administrative office with a 3.6-foot setback from the existing right-of-way of 66<sup>th</sup> Street and a fourteen-foot setback from the existing right-of-way of Cornell Avenue, **granted.** 

**2001-UV3-009**; **6562 Ferguson Street** (southwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family dwelling into a three-family dwelling, **granted**.

**2000-UV2-035**; **930 East 66**<sup>th</sup> **Street** (east of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an office (not permitted), within an existing single-family dwelling, and variance of development standards of the Sign Regulations to provide for a four-foot tall, 40 square foot ground sign (freestanding signs not permitted), **granted.** 

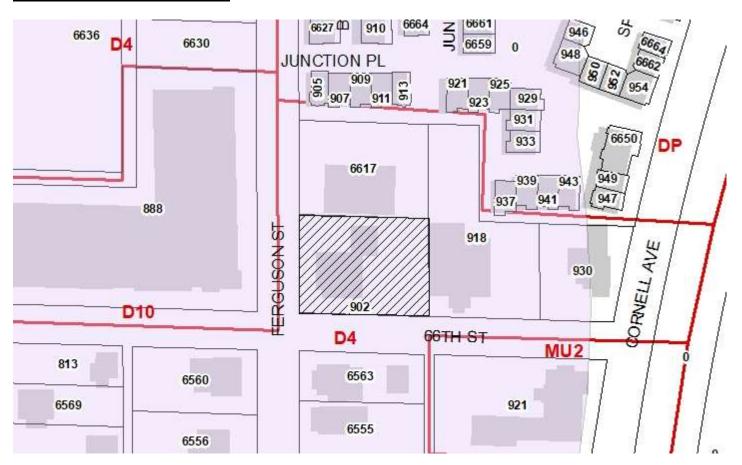
**94-UV1-13**; **6617 Ferguson Street** (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the expansion of an existing tool and die manufacturer's representative business, **granted**.

**93-UV1-5**; **6568 Cornell Avenue** (southeast of site), Variance of use to provide for a studio for the commercial development of instructional photography and video tapes in D-4, **granted.** 

**84-UV2-89**; **921 East 66**<sup>th</sup> **Street** (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of the existing structure for professional offices, **granted**.

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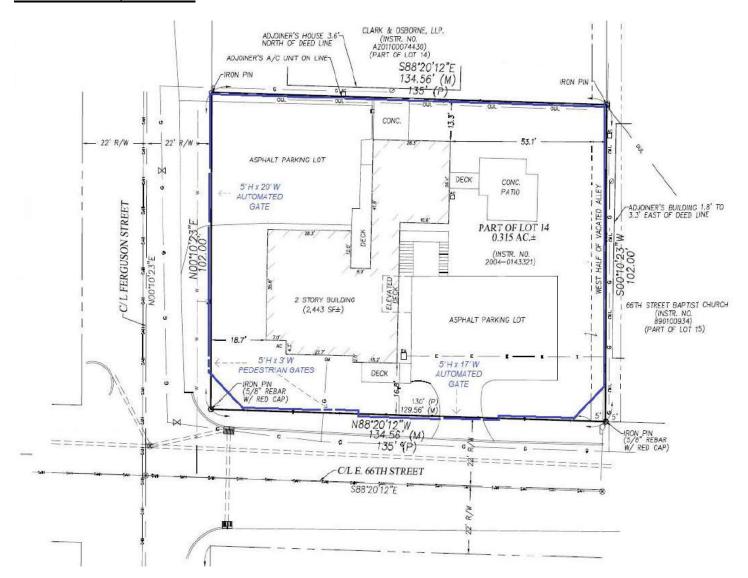
# 2023-DV1-011; Location Map



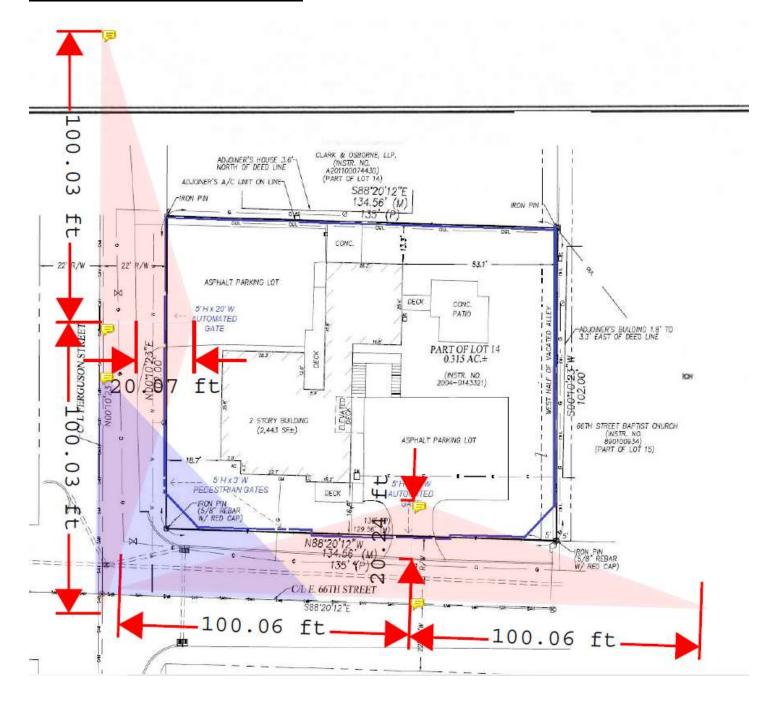
# 2023-DV1-011; Aerial Map



# 2023-DV1-011; Site Plan



# 2023-DV1-011; Clear Sight Triangles



# 2023-DV1-011; Photographs



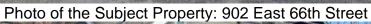




Photo of the automated gate along 66th Street.



Photo of the other office on site and second parking lot.



Photo of the automated gate along Ferguson Street.



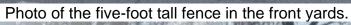




Photo of the fence in the clear sight triangle.

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-012

Address: 6209 East Edgewood Avenue (approximate address)

Location: Franklin Township, Council District #25

Zoning: D-A

Petitioner: Salina and Jaime Hernandez, by David Gilman

Request: Variance of development standards of the Consolidated Zoning and

Subdivision Ordinance to provide for the future subdivision of a parcel

into two lots, with:

a. Future Lot One maintaining a 100.5-foot street frontage and lot width and an area of .81-acre (minimum 125-foot street frontage,

250-foot lot width and area of three acres required); and

b. Future Lot Two maintaining a 25-foot street frontage and lot

width.

#### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### LAND USE

#### EXISTING ZONING AND LAND USE

D-A Metro Single-Family residential

#### SURROUNDING ZONING AND LAND USE

North	D-3	Single-Family residential
South	D-3	Single-Family residential
East	D-A	Single-Family residential
West	D-A	Single-Family residential

COMPREHENSIVE PLAN The Comprehensive Plan recommends Suburban Neighborhood

development with the Environmentally Sensitive Overlay

- The subject site is an approximately 4.9-acre lot in the D-A district, and it is developed with a single-family dwelling and accessory building.
- ♦ The neighboring properties west of site also include two flag lots. There is an existing single-family dwelling, 6001 East Edgewood Avenue, located directly behind the dwelling on the subject site.

(Continued)

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ♦ This request would provide the future subdivision of a parcel into two lots, with:
  - a. Future Lot One maintaining a 100.5-foot street frontage and lot width and an area of .81-acre (minimum 125-foot street frontage, 250-foot lot width and area of three acres required); and
  - b. Future Lot Two maintaining a 25-foot street frontage and lot width.
- ♦ The subject site proposed is developed with a single-family dwelling and accessory building. This petition would allow for a future subdivision of this property. Proposed Lot One would contain the existing structures, and be .81-acre and 100.5 feet of frontage. The D-A district has a minimum lot area of three acres and a minimum frontage of 125 feet. Staff would not support a variance that would be significantly less than the district requirements for lot area, width, or frontage.
- Proposed Lot Two would have 25 feet of frontage and lot width where a 125-foot frontage and 250-foot lot width is required. Approval of this petition would create a flag lot, where a narrow strip of land meets the street frontage, and the proposed dwelling would be located behind two other dwellings as shown on the aerial map. Staff would not support the creation of flag lots that would have a primary structure not visible from the street.
- Staff would note that adjacent lots north and west of the subject site includes several flag lots. This petition would permit a new dwelling built behind two existing dwellings. This increases the existing non-conforming development in this location; therefore, staff is recommending denial of these requests.
- Staff would also note that we did not come to an agreement on driveway location if approved. The existing frontage does not seem to have enough room to support an additional driveway, but having a combined access driveway could be confusing for emergency services. Therefore, staff believes the fact that either option is not ideal is further evidence that this petition should be denied.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN Edgewood Avenue is classified in the Official Thoroughfare

Plan for Marion County, Indiana as a local street, with an 84-

foot existing and proposed right-of-way.

SITE PLAN File-dated February 15, 2023

FINDINGS OF FACT File-dated February 15, 2023

### ZONING HISTORY – VICINITY

**2018-PLT-021, 6231 South Arlington Avenue**, Approval of a Subdivision Plat to be known as Buck Creek Woods, Section Three, subdividing 17.1 acres into 33 lots.

**2014-PLT-004**, **6295 South Arlington Avenue**, Approval of a Subdivision Plat to be known as Buck Creek Woods, Section Three, dividing 33.51 acres into 53 lots.

**2008-PLT-012, 6124 Buck Boulevard**, Approval of a Subdivision Plat to be known as Buck Creek Woods, Section Three, dividing 17 acres into 45 lots.

(Continued)

**99-V2-136, 6234 East Edgewood Avenue,** variance to legally establish a single-family dwelling with two outbuildings, on a 2.62-acre lot, and with 245 feet of lot width at the required setback line along Edgewood Avenue, **approved**.

**95-Z-186, 6231 South Arlington Avenue,** rezoning of 4.48 acres from the D-A district to the D-3 district, **approved**.

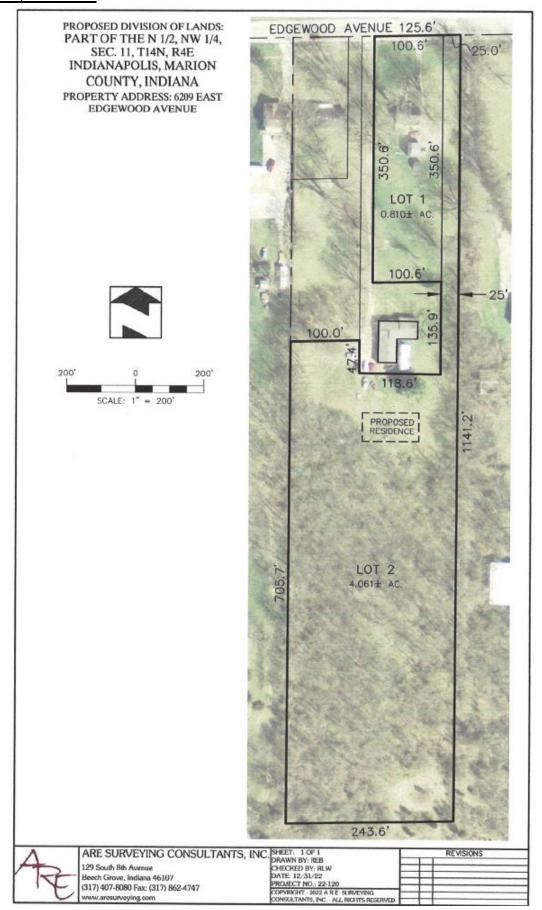
**92-Z-105, 6200 East Edgewood Avenue**, rezoning of 30.48 acres from the D-A district to the D-3 district, **approved**.

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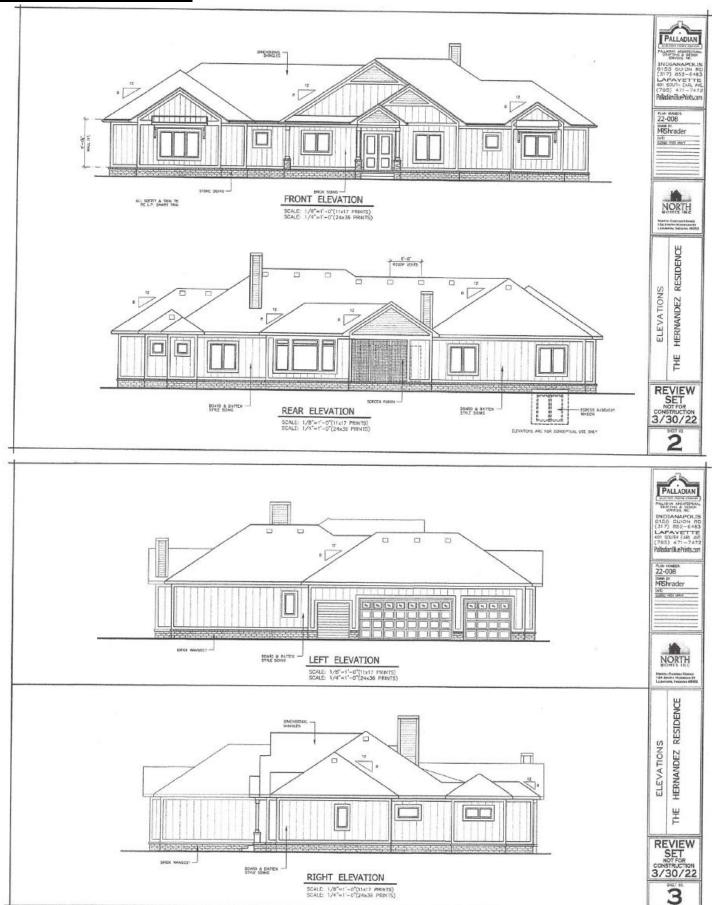
# 2023-DV1-012; Aerial Map

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# **2023-DV1-012; Elevations**



# METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_ OF MARION COUNTY, INDIANA

# PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

#### FINDINGS OF FACT

<ol> <li>The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:</li> </ol>
The lots will have separate drives clearly marked with addresses. The proposed home will be constructed to meet the applicable
residential building code and the site will have proper draiange and adequate utility services.
<ol><li>The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:</li></ol>
The adjacent parcels are subdivided in a similar manner and the use will be for single family residential.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
The existing lot has a unique property configuration and the rear portion of the lot is well suited for a second residence
Each lot will be platted and well maintained and serve the community with a second tax base.

# 2023-DV1-012; Photographs



Subject site proposed Lot One front yard, facing north



Existing single-family dwelling and accessory building, proposed Lot One



Subject site shown left, driveway for existing house at 6201 Edgewood Avenue, south of existing house



Subject site shown right. East of site shown left.



Existing dwelling at 6201 Edgewood Avenue, south of proposed Lot One



Existing house south of proposed Lot One



Existing house south of proposed Lot One



Existing front building line for house south of proposed Lot One



Proposed Lot Two



Proposed Lot Two, approximate distance from Edgewood Avenue, looking north



Proposed Lot Two, approximate location of proposed dwelling, facing west



Proposed Lot Two rear yard, looking south

#### STAFF REPORT

# Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number: 2023-DV1-013** 

Address: 607 South Whitcomb Avenue (approximate address)

Location: Wayne Township, Council District #22

Zoning: D-5

Petitioner: Napier Homes LLC, by Earl Owens

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide for a detached garage expansion resulting in a four-foot north side yard setback (seven-foot side yard

setbacks required).

#### **RECOMMENDATIONS**

Staff **recommends denial** of the variance petition.

#### **SUMMARY OF ISSUES**

#### LAND USE

EXISTING ZONING AND LAND USE

Compact D-5 Single-family dwelling

#### SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwelling
South	D-5	Single-family dwelling
East	D-5	Single-family dwellings
West	D-5	Single-family dwellings

COMPREHENSIVE PLAN The Comprehensive Plan recommends 5-8 residential units per

acre, with a Transit Oriented Development overlay for the Blue Line

strategic plan.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- The request would provide for a detached garage expansion resulting in a four-foot north side yard setback. The submitted site plan may not be to scale, as upon Staff's visit to the site, the setback actually appears to be a one-foot north side setback, if the fence is on the property line.
- Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values, by providing for open buffer areas along lot lines, and to ensure adequate access around structures to help maintain the property without requiring access through adjacent properties. (Continued)

- No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a selfimposed difficulty since the existing legally compliant garage could be expanded in a manner to remain legally complaint, or a new garage could be located in another area of the site, without the need for a variance of development standards.
- There is no practical difficulty associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the required setbacks of the Ordinance. Given that there is no practical difficulty associated with this site, the existing legally compliant garage could be expanded in a manner that meets the standards of the Ordinance, or a new garage could be located in another area of the site to address storage needs.
- This variance request is the result of a zoning violation, particularly related to the petitioner's failure to obtain a permit prior to illegally constructing the garage expansion within the side setback. Staff does not support variance requests to retroactively correct zoning violations created due to the lack of due diligence to discourage such practices.
- The denial of this variance would not prevent the current use or location of the original garage for personal uses, which could remain as originally built without the need for a variance.

#### **GENERAL INFORMATION**

THOROUGHFARE PLAN

This portion of Whitcomb Avenue is classified in the Official

Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

SITE PLAN File-dated March 1, 2023.

FINDINGS OF FACT File-dated March 1, 2023

#### **ZONING HISTORY**

**2006-UV2-026**; **702 North Lynhurst Avenue (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale of small tools within the primary dwelling structure, with storage of parts and repair of tools within an existing 816-square foot detached garage, granted.

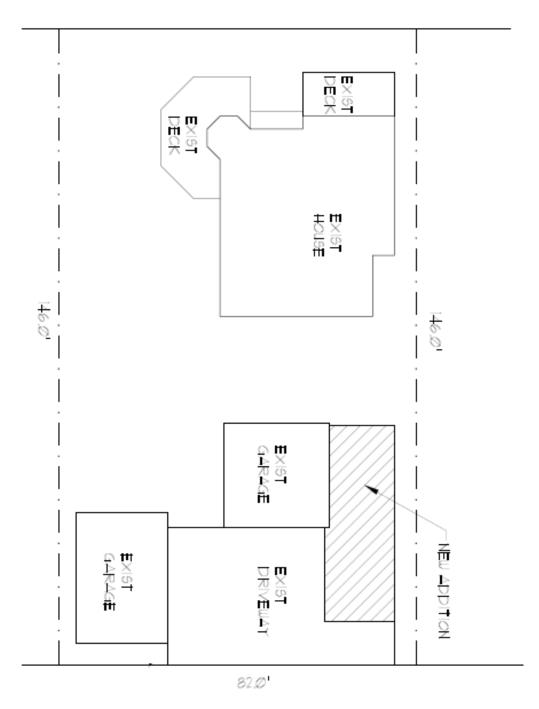
**2005-UV3-017; 701 Manhattan Avenue (east of site),** requested variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish two detached one-story, single-family dwellings on the same lot, the westernmost dwelling having a main floor area of 679.2 square feet, and with two off-street parking spaces, **granted.** 

**98-V2-74**; **602 Ingomar Street (east of site)**, requested a variance of development standards to provide for a 22 by 14-foot detached garage with 50.6% open space, with the total area of accessory uses being 210% of the primary structure, and a zero-foot front yard setback, **granted**.

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ALLEY

# 2023-DV1-013; Pictures



Subject site, looking east.



Subject site side yard, looking east.



Subject site garage expansion with proposed four-foot north side yard setback, looking west.



Subject site garage expansion, looking west.



Adjacent dwelling to the north, looking east



Adjacent dwelling to the south, looking east.