

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV2-043
Address: 220 West 81st Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S
Petitioner: Mark O & Shelley R Blakely, by Clete Kunce
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 0.8-acre lot with a lot width of 140 feet, along an unimproved right-of-way (minimum one-acre required, 150-foot frontage upon an improved street required) and provide for:

- a) the construction of a building addition to an existing dwelling, resulting in a roof overhang with an 8.5-foot rear yard setback (25-foot rear yard setbacks required);
- b) the extension of an existing wall with a 4.8-foot rear yard setback; and
- c) The construction of a detached shed with a 17.75-foot rear yard setback

Resulting in an open space of 81% (minimum open space of 85% required)

ADDENDUM FOR DECEMBER 13, 2022

This petition was automatically continued by a registered neighborhood organization, continuing the petition from the November 15, 2022, hearing to the December 13, 2022, hearing of Division II.

On November 22, 2022, the petitioner's representative provided elevations and floor plans of the proposed addition. These documents have been included further in this Staff Report. No changes have been made to the proposed site plan.

Staff would note that there is some practical difficulty in developing the subject site, due to the unimproved right of way, which is considered the technical front yard. However, the proposed addition could be situated elsewhere on the subject site, without the need for variances. Because of this, Staff recommends denial, where this proposed development would be considered a self-imposed practical difficulty.

RECOMMENDATIONS

Staff **recommends denial** of this request.

(Continued)

STAFF REPORT 2022-DV2-043 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-S	Metro	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	D-1	Single-family dwelling
South	D-S	Single-family dwelling
East	D-S	Single-family dwelling
West	D-S	Single-family dwelling

LAND USE PLAN

The Marion County Land Use Plan (2019) recommends Suburban neighborhood development.

LAND USE PLAN

Environmentally Sensitive (Forest Alliance Woodlands)

- ◇ The subject site is 0.81 acre located in the Claffey's Spring Mill Road Subdivision in the Meridian Hill / Williams Creek neighborhood. The subject site is accessed from a drive (easement) off Claffey Drive, which goes through the adjacent property to the south. To the east of the subject site, there is an unimproved street. The existing improvements on the site include a single-family dwelling, with a stream located at the east lot line of the property. The surrounding neighborhood consists of single-family dwellings to the north, south, east and west. Most of the properties, including the subject site, are within an environmentally sensitive area for Forest Alliance Woodlands.
- ◇ The subject site is zoned D-S (Dwelling Suburban District). The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would legally establish a 0.8-acre lot with a lot width of 140 feet, along an unimproved right-of-way and provide for the construction of a building addition to an existing dwelling, resulting in a roof overhang with an 8.5-foot rear yard setback, the extension of an existing wall with a 4.8-foot rear yard setback, the construction of a detached shed with a 17.75-foot rear yard setback, resulting in an open space of 81%.

(Continued)

STAFF REPORT 2022-DV2-043 (Continued)

- ◇ The subject site is located behind another dwelling located at 202 West 81st St. The subject site's technical frontage is on Kenwood Avenue, which is an unimproved street, and instead has driveway access from Claffey Drive (20-foot easement access, see Plat map). The subject site's front lot line would be the east lot line, the side lot lines would be on the north and south lot lines, and finally, the rear lot line would be on the west lot line.
- ◇ The subject site is zoned D-S, which requires a lot area of one acre and a minimum lot width of 90 feet. The existing lot area is 0.8 acre, with a lot width of 140 feet. The subject site is deficient in size for the D-S district. The required open space for the D-S district is 85%. The proposed open space percentage is 81%. The required rear setback for the D-S district, Metro Context Area, is 25 feet. The proposed rear setback for the roof overhang would be 8.5 feet. The proposed rear setback for the wall extension would result in a 4.8-foot rear setback. Lastly, the detached shed would have a 17.75-foot rear setback.
- ◇ Staff is opposed to all requests, for open space and rear setbacks. Staff believes that there is practical difficulty in the use of the subject site, however, the proposed requests are considered self-imposed practical difficulties. Staff considered that the addition and proposed storage could be located on the eastern portion of the subject site and the square footage could be reduced to not result in a need for variances.

GENERAL INFORMATION

THOROUGHFARE PLAN

81st Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.
Claffey Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 54-foot existing right-of-way and a 50-foot proposed right-of-way.
Kenwood Avenue (unimproved) is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.

SITE PLAN

File-dated October 13, 2022.

FINDINGS OF FACT

File-dated October 13, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES

2016-DV1-058; 220 West 81st Street (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a portion of a fence to be eight feet tall, **approved**.

(Continued)

STAFF REPORT 2022-DV2-043 (Continued)

ZONING HISTORY – VICINITY

90-V3-105; 202 West 81st Street (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to permit the placement of a 12-foot-tall privacy fence, **withdrawn**.

GLH

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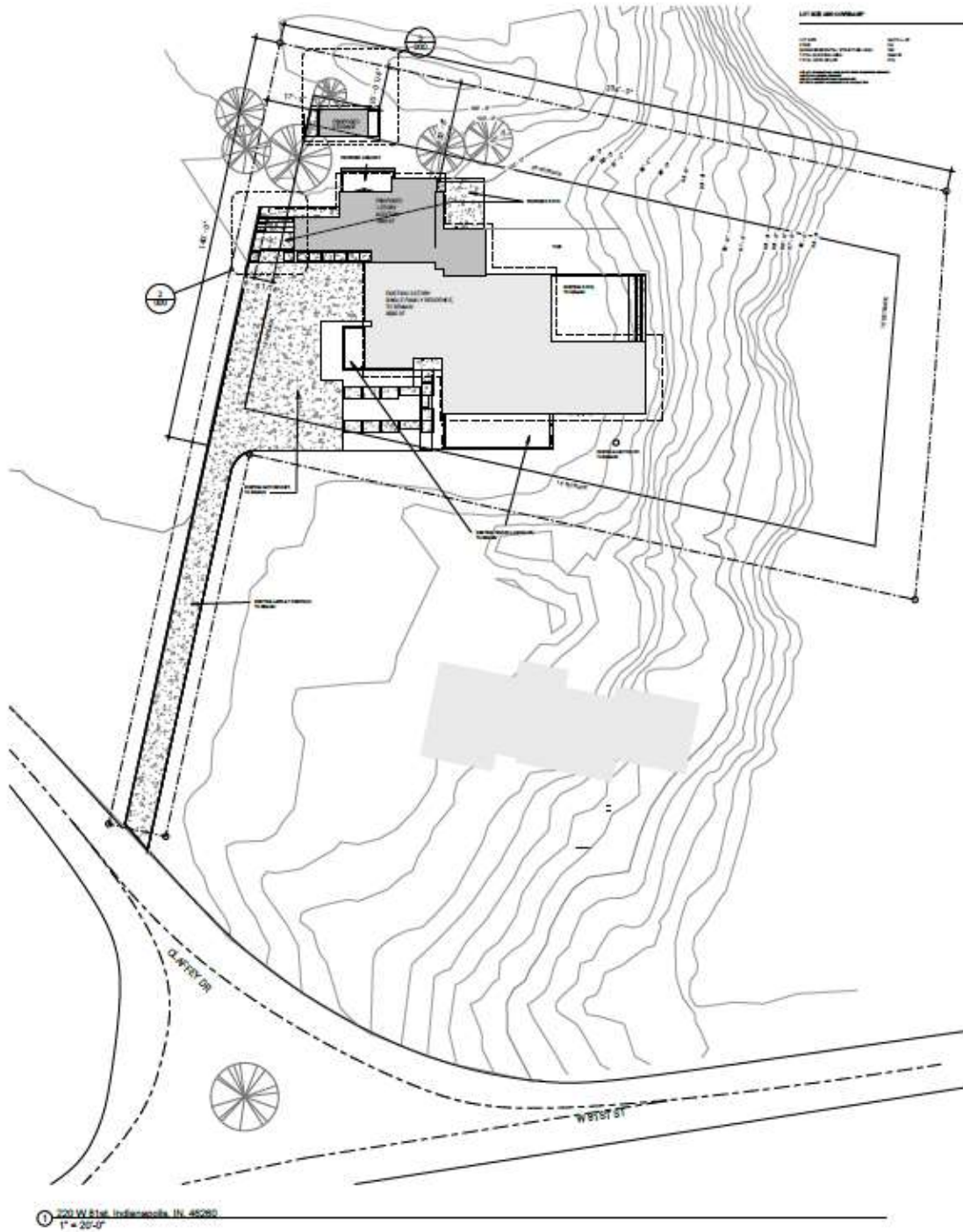
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2022-DV2-043; Aerial Map



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2022-DV2-043; Site Plan (Originally submitted site plan)

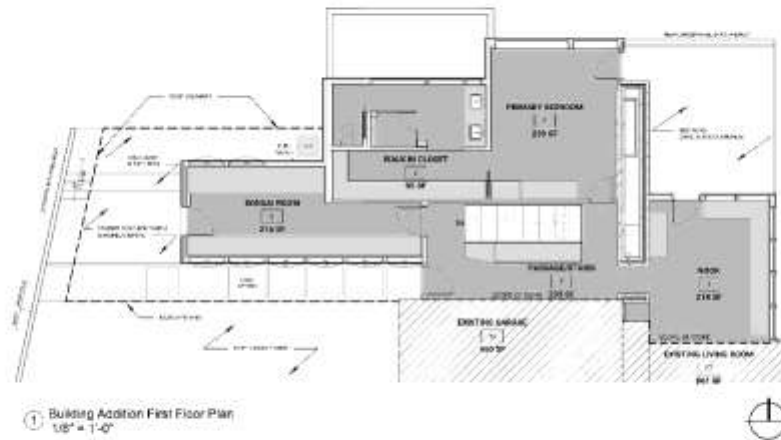


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2022-DV2-043; Floor Plans



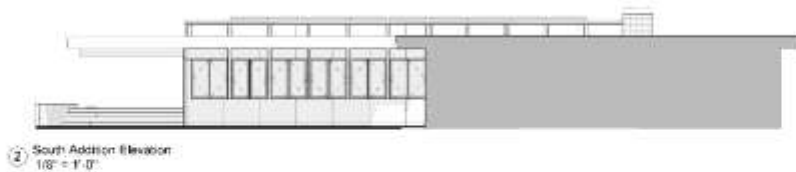
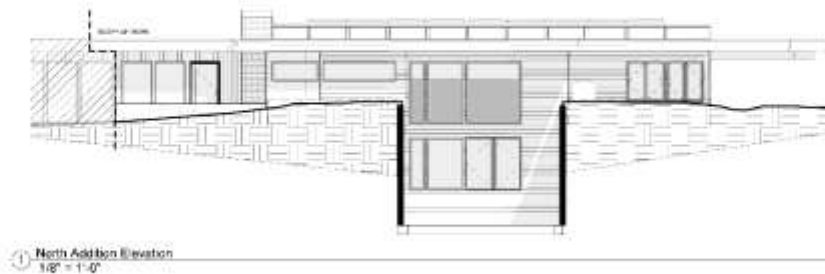
**ONE 10 STUDIO
ARCHITECTS**
220 W 61st Street, Suite 200
Indianapolis, IN 46260
Tel: 317.334.4444 | Fax: 317.334.4445 | Email: info@one10studio.com

Blakely Residence Addition

220 W 61st Street
Indianapolis, IN 46260
11.22.2022

SHEET NUMBER
05

2022-DV2-043; Elevations



**ONE 10 STUDIO
ARCHITECTS**
220 W 61st Street, Suite 200
Indianapolis, IN 46260
Tel: 317.334.4444 | Fax: 317.334.4445 | Email: info@one10studio.com

Blakely Residence Addition

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SHEET NUMBER
06

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2022-DV2-043; Building Schematics



ONE 10 STUDIO
ARCHITECTS

ONE 10 STUDIO, LLC, 220 W 81st Street, Indianapolis, IN 46260
PH: (317) 614-0001 | INFO@ONE10STUDIO.COM | WWW.ONE10STUDIO.COM

Blakely Residence Addition

220 W 81st Street
Indianapolis, IN 46260
11.22.2022

SHEET NUMBER

11



ONE 10 STUDIO
ARCHITECTS

ONE 10 STUDIO, LLC, 220 W 81st Street, Indianapolis, IN 46260
PH: (317) 614-0001 | INFO@ONE10STUDIO.COM | WWW.ONE10STUDIO.COM

Blakely Residence Addition

220 W 81st Street
Indianapolis, IN 46260
11.22.2022

SHEET NUMBER

12

(Continued)



ONE 10 STUDIO
ARCHITECTS
300 VANDERBILT ST, SUITE 200 INDIANAPOLIS, INDIANA 46204
P: 317.462.1010 F: 317.462.1011 WWW.ONE10STUDIO.COM

Blakely Residence Addition
220 W 81st Street
Indianapolis, IN 46260
11.22.2022

SHEET NUMBER
10

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

1. The use of the property remains unchanged as a single family dwelling

2. 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:

1. The main proposed structure does not exceed the standard of setback in D-S district. The encroachment of the roof does not create any privacy concerns to the adjacent lot.

2. The proposed structures will improve the overall aesthetics of the property and adjacent area

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

1. The lot area (0.81 acre) is below the minimum lot area of 1 acre per Table 742-102-2. Lot is smaller than the one acre required for a D-S district and more in line with the D-1 districts to the north. The open area is 81% which would be allowable in a D-1 (80% open), but would require a variance in a D-S district.

2. The side yard setback in the D-1, which is more appropriate for this site (0.81 acre), would change the side yard setbacks from 15' (D-S) to 8' (D-1) bringing the designed addition and roof overhang within compliance.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

2022-DV2-043; Photographs



Photo of driveway from Claffey Drive.



Photo of abutting property to the south of subject site, with easement access for driveway.

(Continued)

2022-DV2-043; Photographs



Photo of subject site : 220 West 81st Street



Photo looking towards north/east lot line (rear yard).

(Continued)

2022-DV2-043; Photographs



Photo of rear yard, with environmentally sensitive area (Forest Alliance Woodlands).



Photo of location for proposed addition.

(Continued)

2022-DV2-043; Photographs



Photos of location of proposed addition.
(Continued)

2022-DV2-043: Photographs



Photo of rear yard, looking towards east lot line (Kenwood Avenue, right of way).



Photo of rear yard, looking towards proposed addition location.

(Continued)

2022-DV2-043; Photographs



Photo of subject site.



Photo of vehicular access to Claffey Drive.