

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-DV2-032 (Amended)
Address: 911 Sanders Street (approximate address)
Location: Center Township, Council District #21
Zoning: D-5 (TOD)
Petitioner: E&D Hopkins LLC, by Mark and Kim Crouch
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of:

A single-family dwelling:

- a) On a medium lot typology with an area of 2,817 square feet (minimum lot area of 7,200 square feet required);
- b) A six-foot front yard setback from Sanders Street (20-foot required);
- c) A three-foot front yard setback from Hartford Street (20-foot required);
- d) A five-foot front yard setback from I-65;
- e) A five-foot rear yard setback (20-foot rear yard setback required);
- f) An open space of 40 percent (60 percent required); and
- g) A front-loaded garage comprising 100 percent of a façade along Hartford Street (prohibited).

ADDENDUM FOR JUNE 11, 2024

This petition was continued from the May 21, 2024 hearing to the June 11, 2024 hearing of Division II, in order to allow for the review and submittal of a site plan reflecting discussions between Staff and the petitioner. This site plan was provided to Staff on May 20, 2024 and is included as an exhibit within the report.

During discussions with the petitioner, Staff recognized that a substantial degree of practical difficulty resulting from conditions peculiar to the site were present as a direct result of the construction of I-65. Specifically, the originally platted lot had a substantial portion of its lot area reduced to accommodate its construction, resulting in an irregular lot shape, as well as the establishment of a triple frontage lot. In addition, much of the originally platted neighborhood and associated street grid of Ms. Annie Stiltz Edgewater Addition was consumed by the construction of the Interstate, complicating modern application of portions of the modern zoning ordinance, such as assignment of front lot line and side yard setbacks.

Subsequently, all parties came to an agreement to provide for an eight-yard setback from Sanders Street in order to preserve sight lines along the irregularly abrupt bend at the intersection of Leonard and Sanders Streets. Staff would note that this unusual intersection and associated traffic safety concerns are the primary reason it is supportive of the garage being located along Hartford Street, where it would otherwise be required to be placed along Sanders Street. It was also agreed that a

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STAFF REPORT 2023-DV2-032 (Continued)

three-foot setback along Hartford Street would be supported as part of the compromise to ensure a dwelling size that would be comparable to others throughout the neighborhood. It was also agreed upon that a set of elevations would be submitted for Administrator's Approval prior to the issuance of permits in order to ensure that fenestration, being the placement of doors and windows, would be reasonably compatible with the overall character of the neighborhood. The review of building materials, color or other similar aesthetics would not be subject to this review.

Therefore, Staff **recommends approval** of the request subject to the condition that a set of elevations be submitted for Administrator's Approval.

ADDENDUM FOR MAY 21, 2024

This petition was continued from the April 11, 2024 hearing to the May 21, 2024 hearing of Division II, at the request of Staff, in order to evaluate potential site plan changes. Subsequently, Staff met with the petitioner and reached an agreement on amendments to the site plan that Staff could support. At the time of publication, this plan had not been submitted to Staff. Therefore, Staff requests that this petition either be continued or transferred to a different division of the Board of Zoning Appeals.

ADDENDUM FOR APRIL 11, 2024

At the February 13, 2024, hearing, the petitioner amended the request by withdrawing the portion of the request for a two-unit multi-unit home.

Staff requested the petition be continued as the petitioner had not provided any updates, or revised Findings of Fact to Staff. The petition was continued again for cause, to the April 9, 2024, hearing.

The petitioner and Staff have since communicated regarding clarification of the requested variances, with the last communication from Staff on February 29, 2024. No new information has been submitted to the file by the petitioner for staff to consider.

Therefore, as amended, **Staff does recommend denial** of the petition.

However, on a recent site visit, Staff observed that the orange legal notice signs that are required to remain posted on site until a decision has been made by the Board, were removed or have been missing for some time. As this petition has not been resolved, this petition has become deficient on legal notice.

Therefore, if this petition is to be heard, **then it will need to be continued one more month, with new public notice signs re-posted on site immediately**, in order to comply with the legal notice rules.

Staff acknowledges the site has some difficulty due to its three frontages. However, the lot is undeveloped, and the requested number of variances is reflective of the type of development the petition is requesting and not the lot itself.

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STAFF REPORT 2023-DV2-032 (Continued)

Staff has requested that the petitioner withdraw or reduce a number of variances. Specifically:

- Increase the Sanders front setback to 10 or 12 feet.
- Increase the Hartford front setback to 8 feet
- Eliminate the rear setback variance by reducing the garage width for one car with a car stacking system or detach the garage to allow for the accessory structure 5-foot rear setback.
- Eliminate 100% garage façade along Hartford variance by moving the courtyard and putting the dwelling east side façade along Hartford lining up with the garage façade with the 8-foot setback.

This will allow for the remaining reduced variances that Staff will support to provide for the construction of a single-family dwelling:

1. A medium lot typology with an area of 2,817 square feet (minimum lot area of 7,200 square feet required);
2. A ten-foot front yard setback from Sanders Street (20-feet required);
3. An eight-foot front yard setback from Hartford Street (20-feet required);
4. A five-foot front yard setback from I-65;
5. An open space of 50% or more (60 percent required).

If the petitioner is in agreement with Staff's five recommended variances above, **then Staff will recommend the petition be continued one more time for one month, with new public notice signs re-posted on the site immediately.** At the next hearing, then Staff will recommend approval for the five requested variances as indicated above.

ADDENDUM FOR FEBRUARY 13, 2024

This petition was continued for cause from the December 12, 2023, hearing to the February 13, 2024, hearing at the request of the petitioner.

ADDENDUM FOR DECEMBER 12, 2023

This petition was continued at the request of the petitioner from the November 21, 2023, hearing to the December 12, 2023, hearing, to allow time to amend the petition.

The petitioner is working with Staff to amend the petition additional information was submitted after the deadline to review for this hearing. Therefore, **this petition should be continued** one more time, to the January 9, 2024, hearing, to allow time for the petitioner to finalize and amend their request. This will be the last continuance that Staff will support.

November 21, 2023

RECOMMENDATIONS

Staff recommends denial of the request as proposed.

Otherwise, this petition should be continued so that the petitioner can amend the petition to a specific request.

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STAFF REPORT 2023-DV2-032 (Continued)

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact D-5 Undeveloped

SURROUNDING ZONING AND LAND USE

North - D-5 Single-family dwellings

South - D-5 Undeveloped

East - D-5 Single-family dwellings

West - D-5 I-65 Interstate exit ramp / Single-family dwellings

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood uses for the site, with an overlay for the Red Line Transit Oriented Development.

- ◇ After filing the petition, the petitioner indicated that a revised site plan and findings of fact would be submitted to amend the petition to a specific request. No additional information has been submitted to date.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Staff believes that any proposed new construction should adequately align with modern development standards in order to better preserve the intent of each development standard. Given the size of the proposed structure and attached garage, along with the number of requested variances, in Staff's opinion, this site would be overdeveloped.
- ◇ Staff feels the requested two-unit multi-unit home would be out of character for the area, as no other multi-unit dwellings are located nearby. In addition, with the number of variances requested for an undeveloped site, the proposed two-unit multi-unit home would be an overdevelopment of the small site.
- ◇ The proposed single-family dwelling with seven variances requested for an undeveloped site, presumably using the same submitted site plan, as no updated site plan has been submitted, would also be an overdevelopment of the site.
- ◇ Staff has recommended to the petitioner that the request be amended to provide for a single-family dwelling only, and to eliminate at least four or five of the original requested variances. No additional information has been submitted in a timely manner to amend the petition or update the site plan.
- ◇ Therefore, Staff recommends this petition be continued so that the petitioner can submit an amended petition and related elevations, and to allow time to review the amended information. New notice may also be required.

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STAFF REPORT 2023-DV2-032 (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN This portion of Sanders Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 49-foot existing and proposed right-of-way.

This portion of Hartford 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.

SITE PLAN (Amended) File-dated October 4, 2023 / December 12, 2023

FINDINGS OF FACT File-dated October 4, 2023

ZONING HISTORY

2021-UV1-021; 929 Sanders Street (east of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the renovation of existing buildings for a community center with light hosting capabilities, to provide for community meetings, artist pop-up exhibits, family gatherings such as reunions, or small business milestone celebrations and similar events, with zero parking spaces and to provide for pavers and/or stamped concrete improvements and an arbor with 0.8-foot east side setback and a planter with a zero-foot west side setback, **withdrawn**.

2017-DV3-015; 1015 Orange Street (south of site), requested a variance of development standards to provide for three lots, with 3,325 square feet, 4,728 square feet, and 3,268 square feet, with two lots having 35 feet of lot width, containing dwellings, with five-foot front setbacks, with setbacks along the interstate right-of-way ranging from three feet to 28 feet for dwellings and a detached garage, with 405 open space for lot one, and with a dwelling on lot one being within the clear sight triangle of the street and the abutting alley, **granted**.

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STAFF REPORT 2023-DV2-032 (Continued)

2014-HOV-014; 914 Sanders Street (north of site), requested a variance of development standards to provide for the construction of a 440-square foot garage, and an open space ratio of 50%, **granted**.

2014-HOV-043; 1249 Ringgold Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 576-square foot garage, creating an open space ratio of 55%, **granted**.

2023-DV2-032; Location Map



2023-DV2-032; Photographs



Undeveloped subject site, looking south.



Undeveloped subject site, looking west.



Adjacent single-family dwelling to the east of subject site.



Adjacent single-family dwellings to the north of subject site, looking northeast.



Adjacent undeveloped lot to the south of subject site, looking west.



Interstate I-65 northbound exit ramp to the west of subject site.