

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV2-006  
**Address:** 231 Hendricks Place (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8 (TOD)  
**Petitioner:** Gino Liongson and Aaron Ferris, by Sarah Walters  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an attached garage resulting in a 5.5-foot rear yard setback (15-foot rear yard setback required).

This petition was continued and transferred from the May 16, 2023 hearing of Division II to the May 23, 2023 hearing of Division III, with additional notice.

### **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-8	Compact	Undeveloped
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##### **SURROUNDING ZONING AND LAND USE**

North	D-8	Residential (Single-family dwelling)
South	D-8	Residential (Single-family dwelling)
East	D-5	Residential (Two-family dwelling)
West	D-8	Residential (Single-family dwelling)

##### **COMPREHENSIVE PLAN**

The Comprehensive Plan recommends traditional neighborhood development.

- ◇ The 0.08-acre subject site is an undeveloped lot that is surrounded by residentially developed properties.
- ◇ The properties along this block have substantially smaller lot areas than those to the west or east, which resulted in very few lots having detached accessory structures.

(Continued)

## **STAFF REPORT 2023-DV2-006 (Continued)**

- ◇ The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow for the construction of a single-family dwelling with an attached garage resulting in a 5.5-foot rear yard setback.
- ◇ Setbacks are required to keep 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.
- ◇ According to Table 742.103.03 of the Consolidated Zoning and Subdivision Ordinance, the D-8 district requires a minimum 15-foot side rear setback for a detached house on a compact lot. However, this lot is significantly shorter in lot depth than those to the west, zoned D-8, and east of the site, zoned D-5. Nearly all the lots north and south of the site are developed without accessory structures and are developed instead with gravel or paved parking areas along the alley.
- ◇ In staff's opinion, the attached garage makes better use of the 83.30 feet instead of proposing a reduction of the living space to provide a detached garage.
- ◇ The strict application of the terms of the zoning ordinance would result in practical difficulties in the use of the property for the development of a garage because the property is limited in size, which dictates the location of a garage on site.
- ◇ For these reasons, staff determined that a deficient rear setback for the dwelling would be supportable.

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	Hendricks Place 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 48-foot proposed right-of-way.
SECONDARY DISTRICT	This site falls within the Transit-Oriented Development Secondary District.
CERTIFIED PLAN	The site falls within the Near Eastside Quality of Life Plan.
OVERLAY	This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line.

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## **STAFF REPORT 2023-DV2-006 (Continued)**

SITE PLAN

File-dated April 14, 2023.

FINDINGS OF FACT

File-dated April 14, 2023.

### **ZONING HISTORY – SITE**

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

### **ZONING HISTORY – VICINITY**

**2020-DV3-010; 266 Hendricks Place** (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a rear patio addition and front stoop and steps with 52% open space (55% open space required), **granted**.

**2015-CVR-821; 2024, 2030, 2102, 2112, 2114 East Washington Street, and 10 North Jefferson Avenue** (southeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a mixed-use development with a parking lot (2024 and 2030) with five-foot north side, west front and south front setbacks (10-foot front and side setbacks required) and a zero-foot east side setback (10-foot side setback required), a parking lot (2104 and 2112), with zero-foot west front yard and zero-foot north transitional side yard and 4.85-foot east side yard (10-foot front yard, 15-foot transitional yard and 10-foot east side yard required), with maneuvering in the alley (not permitted), a parking lot (10), with five-foot west rear transitional yards, a five-foot east front transitional yard and a zero-foot south side yard and a trash enclosure with a five-foot west rear transitional yard (minimum 10-foot side yard and 15-foot transitional rear yard required, 20-foot front transitional yard required), with maneuvering in the right-of-way (not permitted), with an exterior stairwell in the right-of-way of Hamilton Avenue (not permitted), with 45 parking spaces (91 parking spaces required), and with alcohol and carryout food sales within approximately 50 of the nearest protected district (100-foot separation required), **granted**.

**2011-UV1-003; 227 Hendricks Place** (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an office use (not permitted), **granted**.

**97-NC-15; 54 North Hamilton Avenue** (southeast of site), Certificate of Legal Non-conforming Use for a four-unit dwelling, **denied**.

**97-NC-83; 41-43 North Hamilton Avenue** (southeast of site), Certificate of Legal Non-conforming Use for the conversion of, and use of, a single-family dwelling into six-unit dwelling located in a D-5 (Dwelling District Five) zoning classification, **granted**.

**97-UV1-68; 54 North Hamilton Avenue** (southeast of site), **granted**.

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**STAFF REPORT 2023-DV2-006 (Continued)**

**87-UV3-26; 35 North Hamilton Avenue** (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a two-family residence on a lot zoned for single-family residences, **denied.**

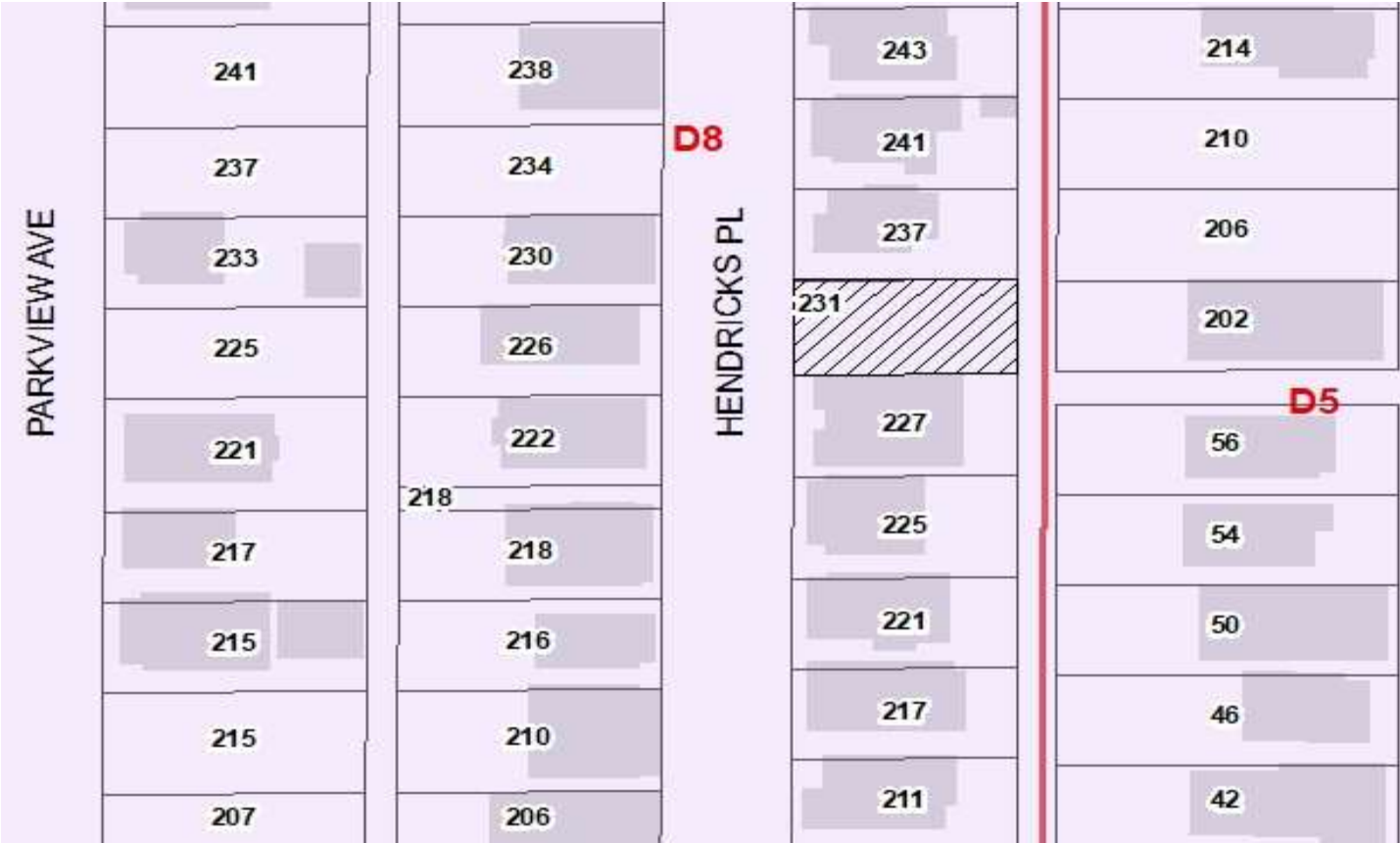
**87-UV1-43; 1114 East St. Clair Street** (southeast of site), Variance of use of the Industrial Zoning Ordinance to provide for the construction of a two-story carriage house behind an existing residence, **granted.**

**85-UV2-70; 15 North Hamilton Avenue** (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing garage as an automobile body work and paint shop, **denied.**

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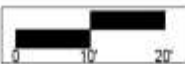
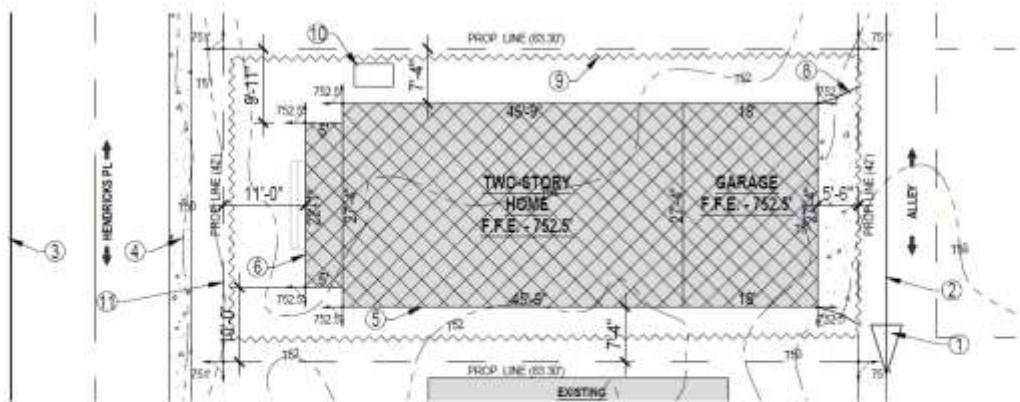
2023-DV2-006; Location Map



2023-DV2-006; Aerial Map



2023-DV2-006; Site Plan



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Proposed  
**Site Plan**  
SCALE: 1" = 20'

SITE DATA	
<b>LOT AREA (D8- COMPACT)</b>	
PARCEL SIZE 83.30' x 42'	3,582 S.F. (0.08 ACRES)
<b>BLDG AREA</b>	
PROPOSED TWO STORY HOME	1,249 SQ. FT.
PROPOSED PORCH	110 SQ. FT.
PROPOSED GARAGE	491 SQ. FT.
<b>TOTAL DEVELOPED AREA</b>	
1,850 SQ. FT.	
<b>OPEN SPACE PERCENTAGE</b>	48.4%



**2023-DV2-006; Photographs**



Photo of the Subject Property: 231 Hendricks Place



Photo of the yard of 231 Hendricks Place.





Photo of the dwellings south of the site.



Photo of the the dwellings north of the site.



Photo of the the dwellings west of the site across Hendricks Place.