

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-018
Address: 1223 Lexington Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Rosemary Jamieson
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition with a 0.5-foot east side yard setback, resulting in an open space of 37 percent (five-foot side yard setbacks, 40 percent open space required).

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	D-5	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwelling
South -	D-5	Single-family dwelling
East -	D-5	Single-family dwelling
West -	D-8	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends traditional neighborhood uses for the site with an overlay recommendation for the Red Line Strategic Area Transit Oriented Development.
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VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The existing dwelling was originally constructed in 1920 according to the Assessor's records. Staff would note that such construction would have predated the implementation of zoning in Marion County.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Zoning Ordinance, specifically those relating to setbacks, are intended to provide sufficient buffering to prevent the lateral expansion of fires, as well as the operation of emergency equipment in such situations.

(Continued)

STAFF REPORT 2023-DV3-018 (Continued)

- ◇ The requested variance for the reduced side setback for the building addition is largely a result of the reduced width of the lot. The lot width, at approximately 32 feet wide, meets the D-8 district minimum standards. However, this site is within the D-5 district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for building setbacks.
- ◇ In addition, the proposed 0.5-foot east side setback for the building addition, would match the existing setback of the original developed dwelling.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to open space requirements, are intended to maintain a consistent development pattern within residential districts by discouraging the overdevelopment of lots, and the resulting cluttered appearance that would negatively impact adjacent property owners.
- ◇ While an open space of 37% is being requested, 40% percent open space is required. The request would represent a 7.5% reduction from the Ordinance.
- ◇ Staff would note that the proposed addition would be similar to the development pattern of the vicinity, particularly in regards to lot coverage, therefore, the grant would not impose a significant negative impact upon adjacent properties and would represent a reasonable deviation from the Ordinance.
- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Lexington Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.
SITE PLAN	File-dated April 24, 2023.
FINDINGS OF FACT	File-dated April. 24, 2023.

ZONING HISTORY

2019-DV1-041; 1230 Pleasant Street (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing single-family dwelling with nine feet between dwellings and a 28-foot tall, 850-square foot garage containing a 720-square foot secondary dwelling, **granted**.

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STAFF REPORT 2023-DV3-018 (Continued)

2016-DV3-037; 1302 Lexington Avenue (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling, with two-foot side setbacks and to provide for the construction of a detached garage, creating an open space of 45%, **granted**.

2016-HOV-023; 1234 Lexington Avenue (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for a detached garage, creating and open space of 49%, **granted**.

2018-DV2-012; 822 Olive Street (southwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling, with a 15.75-foot front setback and a detached garage with 48% open space and three feet between dwellings, and with the garage in the clear sight triangle of the abutting alleys, **granted**.

2017-HOV-095; 818 Olive Street (southwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a one-foot front setback, a 1.5-foot north side setback, 3.5 feet between buildings, a 17-foot rear setback, 44% open space, and being within the clear sight triangle of the abutting dwellings, with 55% open space, and with zero parking spaces, **granted**.

2017-HOV-032; 830 Olive Street (southwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating 53% open space, and to legally establish the separation between primary dwellings, per plans filed, **granted**.

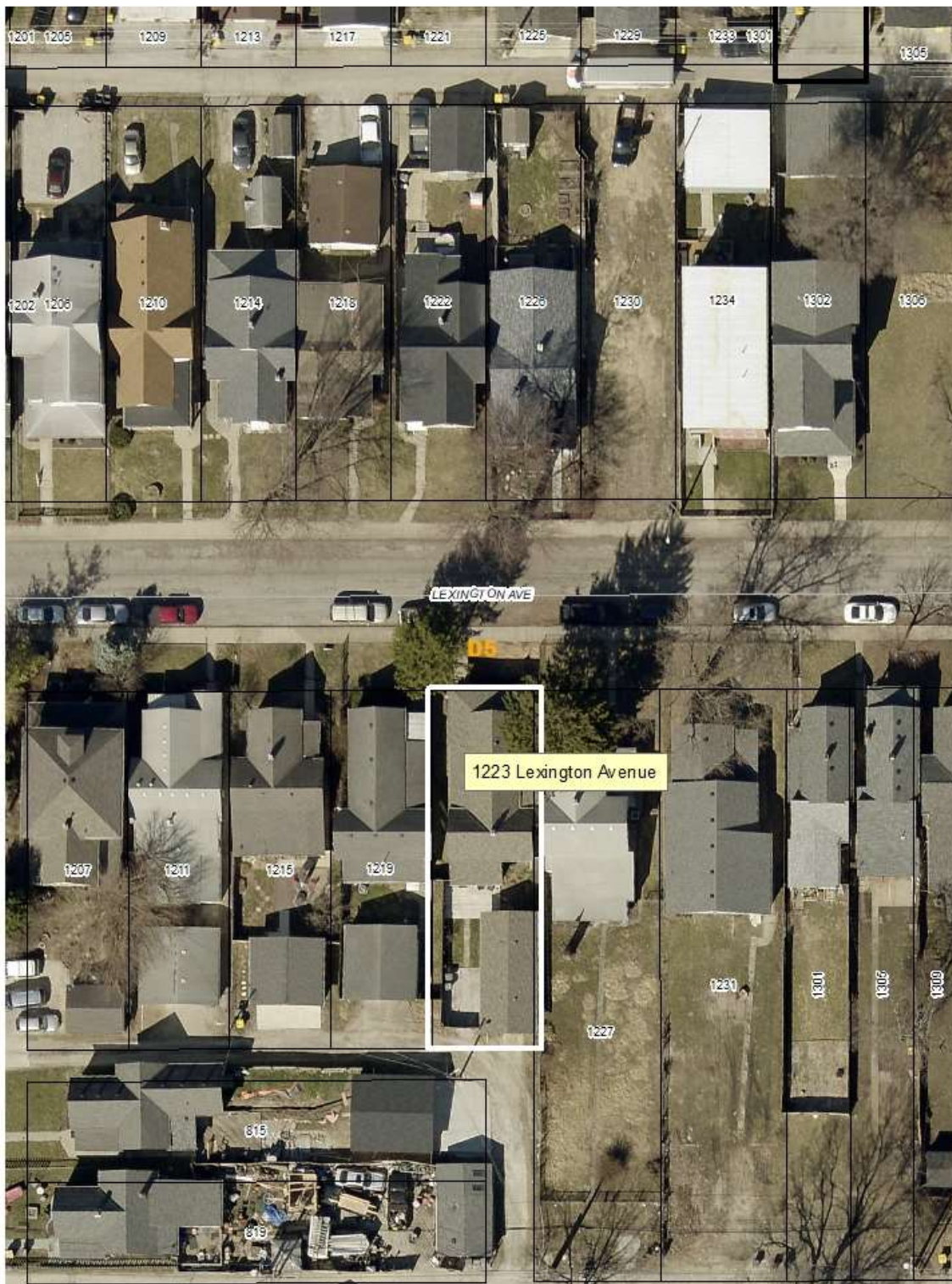
2016-HOV-043; 823 Olive Street (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating 50% open space, **granted**.

2016-DV3-044; 829 Olive Street (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with six feet between primary dwellings, with 55% open space and with zero parking spaces, **granted**.

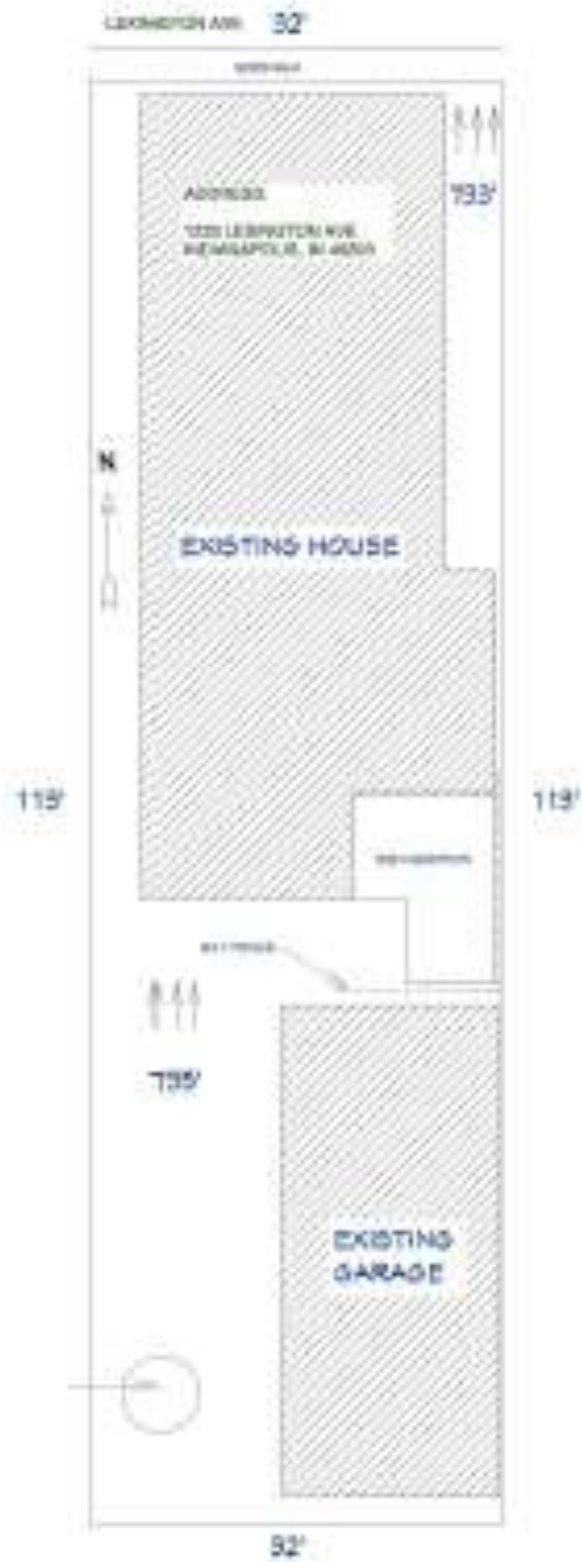
2015-UV2-023; 1210 Pleasant Street (south of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a second dwelling unit on the second floor of a 920-square foot detached garage, with a 2.41-foot west side setback and a four-foot east side setback, resulting in a 6.41-foot aggregate side setback, **granted**.

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2023-DV3-018: Location Map



2023-DV3-018: Site Plan



2023-DV3-018: Photographs



Subject site looking south.



Close up of subject site, with existing 0.5-foot side setback, looking south.



Adjacent single-family dwellings to the east of subject site, looking south.



Adjacent single-family dwellings, to the west of subject site, looking south.