

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CVR-832 / 2023-CPL-832 (Amended)
Address: 2144 East 12th Street (Approximate Address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Bybee Holdings LLC, by Jynell D. Berkshire
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
- b) Lot Two containing an area of 2,968 square feet;

And the construction of a single-family dwelling on each lot, with:

- a) The dwelling on Lot One being a manufactured home less than 23-feet wide (not permitted), and having a five-foot rear yard setback (20-foot rear yard setback required); and
- b) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre in to two lots.

September 28, 2023

The petitioner has submitted an amended request to permit a manufactured home less than 23 feet wide. Staff **recommends denial** of the request for a manufactured home less than 23 feet.

The definition for manufactured homes requires that they are at least 23 feet wide, so an additional variance is required. The intent of this requirement is to ensure that prefabricated dwellings are compatible with existing residential development patterns and minimum floor areas. At this time, elevations and floor plans have not been selected for the proposed manufactured home—only that it is proposed to be 15 feet by 66 feet or 990 square feet. This would meet the 900-square-foot minimum floor area; however, staff is hesitant to recommend approval of any manufactured home without a related floor plan or elevations.

Staff believes a house of this width would not be in character with the neighborhood or infill housing guidelines. The infill housing guidelines recommend building within a setback range; staff believes that a context-specific design could be proposed here that meets setbacks despite the lot's irregular shape—the building footprint does not need to be a rectangle to fit within the required setbacks.

(Continued)

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The infill housing guidelines also recommend that primary structures on undersized lots should be consistent in height, mass, and footprint with structures on the same street. As proposed, the manufactured home would be one of the narrowest buildings of the existing dwellings near the intersection of 12th Street and Jefferson Avenue.

Staff would note there is also an elevation change on the north end of proposed Lot One, as shown on the survey below. Staff has concerns with how placement of a manufactured home will address the existing topography. The developer has provided correspondence that a foundation will most likely be a block foundation that will be partially above grade. Proposed Lot One will front on Jefferson Avenue to the east, and the proposed five-foot north side yard meets standards, but staff believes this layout is not compatible with the existing neighborhood development pattern.

Therefore, staff is **recommending denial** of the manufactured home.

Staff continues to **recommend approval** for the plat and variances for reduced lot sizes, and reduced rear setbacks. See below for additional information.

August 24, 2023

Staff is requesting a continuance for cause **from the August 24, 2023 hearing to the September 28, 2023 hearing** for an amendment for a variance to permit a manufactured home less than 23 feet wide.

The petitioner has provided an amended site plan, eliminating the need for a front setback variance for proposed Lot One.

August 10, 2023

The petitioner has requested a continuance for cause **from the August 10, 2023 hearing to the August 24, 2023 hearing** to allow more time for revisions to the site plan per staff suggestion.

July 13, 2023

This petition was continued **from the July 13, 2023 to the August 10, 2023 hearing** to allow more time for revisions to the site plan.

RECOMMENDATIONS

Staff **recommends approval** of the variance petitions to provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing an area of 2,742 square feet and Lot Two containing an area of 2,968 square feet; and the construction of a single-family dwelling on each lot, with: the dwelling on Lot One having a five-foot west rear yard setback; and the dwelling on Lot Two having a 5.1-foot rear yard setback.

(Continued)

2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)

Staff **recommends denial** of the variance to have a 1.8-foot front yard setback from Jefferson Avenue.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 10, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. That no driveway curb cuts shall be permitted for Lot Two

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and is undeveloped. This site is in the Near Eastside neighborhood. This neighborhood is mostly single-family development. Several corner lots are subdivided to provide for two dwellings.
- ◇ This petition would subdivide the property into two lots to be developed with single-family detached dwellings.

(Continued)

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VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing 2,742 square feet and Lot Two containing 2,968 square feet.
- ◇ The minimum lot area for D-5 for a detached house-small lot is 5,000 square feet. The standard for detached house-compact lot is 2,500 square feet, but is permitted in D-5II or higher. Staff would note that it would be preferred to rezone to a denser district; however, there is a precedent in the neighborhood for subdivision of corner lots. Staff would not be opposed to reduced lot area where it meets compact lot standards and is consistent with existing development.
- ◇ This request would provide for construction of a single-family dwelling on Lot One with a front yard setback of 1.8 feet where ten feet is required, and a rear setback of five feet where 20 feet is required.
- ◇ Staff would not recommend approval of the 1.8-foot front setback on Jefferson Avenue. Staff would note that the proposed dwelling floor area could be modified or reduced to meet the required setback, and is therefore not supportive.
- ◇ The proposed Lot One is oriented so that its frontage is on the east, making the lot depth only forty feet. This would make the rear yard align with the side yard of adjacent lots, which have a minimum setback of five feet. Staff would note that most lots' rear yards are on the alley while this orientation puts the alley access in the side yard. Given the general placement of the structure is consistent with the north and east/west setbacks of the neighborhood, staff is not opposed to the five-foot rear setback.
- ◇ This request would provide for construction of a single-family dwelling on Lot Two with a 5.1-foot rear yard setback where 20 feet is required. Staff would note that the compact lot standards allow for a 15-foot setback, which would be more appropriate for a lot of this size. Staff would also note that although the front setback could be decreased so that the rear yard could be increased, the current front setback is more consistent with the neighborhood lot averages. Staff would not be opposed to a reduced rear setback where all other setbacks and open space are met, and where the proposed dwelling placement is consistent with the neighborhood development patterns.

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat generally meets the standards of the D-5 zoning classifications and variances of development standards as proposed in this companion petition.

TRAFFIC / STREETS

- ◇ The proposed lots would both have frontage on Jefferson Avenue to the east. Lot One will also have alley access to the north side yard. Lot Two's frontage would be on East 12th Street to the South. No new streets are proposed as part of this petition.

(Continued)

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- ◇ Staff is requesting a condition that no curb cuts be permitted for Lot Two. Staff believes a driveway on Jefferson Avenue would be too close to the intersection to the south.

SIDEWALKS

- ◇ Sidewalks are existing on the 12th Street and Jefferson Avenue frontages.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-5	Residential
South	D-5	Residential
East	D-5	Residential
West	D-5	Residential

COMPREHENSIVE LAND USE PLAN	Traditional Neighborhood
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THOROUGHFARE PLAN	East 12 th Street 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. Jefferson 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.
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SITE PLAN	File-dated June 10, 2023
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PRELIMINARY PLAT	File-dated June 10, 2023
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FINDINGS OF FACT	File-dated June 10, 2023
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ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2022-UV1-004, 1131 Jefferson Avenue, Variance to provide for the detached single-family dwelling with a four-foot north side setback and the construction of a detached garage with three-foot side setbacks, **approved**.

2019-HOV-048, 1135 Jefferson Avenue, variance to provide for a single-family dwelling and attached garage with a five-foot rear setback and 50% open space, **approved**.

2002-UV1-040, 1131 Jefferson Avenue, variance to legally establish a two-family dwelling in the D-5 district, **approved**.

96-V2-5, 1131 Jefferson Avenue, variance to permit an above-ground pool and six-foot-tall fence in the front yard, **approved**.

(Continued)

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95-V1-48, 1125 North Hamilton Avenue, variance to provide for a six-foot-tall fence in the front yard, approved.

88-UV3-105, 2115 East 12th Street, variance to provide for a two-family dwelling in the D-5 district, approved.

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2023-CVR-832 / 2023-CPL-832 Aerial Map



Out Claim Deed
BREE HOLDINGS LLC
Instrument No. 2015-00038119
Joseph A. Moore Addition L18

Out Claim Deed
BREE HOLDINGS LLC
Instrument No. 2015-00038119
Joseph A. Moore Addition L18

GRAVEL CONSTRUCTION DRIVE

1. NEGET WITHIN 24 HOURS OF EACH RAIN EVENT IN EXCESS OF 1/2 INCH AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS IMMEDIATELY REPAIR OR REPAIR.
2. REMOVE SEDIMENT AND PLACE IN A STABILIZED AREA.
3. TOP DRESS WITH ADDITIONAL STONE AS NEEDED.
4. INSTALL #2 STONE

Gentle slopes required to be constructed (or to be protected if existing) along site lot lines during construction and to remain post construction to direct sheet drained wastewater towards front and back of and not towards existing or proposed residence.

EROSION CONTROL BARRIER (SILT FENCE OR EQUIVALENT) SHALL BE INSTALLED AROUND THE ENTIRE PERIMETER OF THE PROPERTY PRIOR TO COMMENCEMENT OF ANY EARTHWORK, AND SHALL BE MAINTAINED IN PLACE FOR THE ENTIRE DURATION OF CONSTRUCTION.

1. RESPECT MINIMUM 24 HOURS OF EACH BARN EVENT IN EXCESS OF 1/2" INCH AND AT LEAST ONE HOUR OF EACH BARN EVENT.
2. IF BARBERS STARTS TO DEGRADE, OR IN ANY WAY BECOMES INEFFECTIVE, REPLACE THE AFFECTED PORTION IMMEDIATELY.
3. REMOVE DEPOSITED SEDIMENT WHEN IT REACHES HALF THE HEIGHT OF THE BARBERS AT ITS LOWEST POINT OR IS CAUSING THE BARBER TO SLIDE.
4. TAKE CARE TO AVOID UNDERMINING THE BARBERS STRUTS, CLEAN OUT THE BARBERS AND SEDIMENT DOWNSIDE AFTER EACH BARN CLEANOUT.
5. AFTER THE CONTRIBUTING DOWNSIDE AFTER EACH BARN CLEANOUT, REMOVE THE BARBERS AND SEDIMENT DEPOSITS, BRING THE DISTURBED AREA TO GRADE, AND STABILIZE.

**BUILDUP MUST MAINTAIN
10' SEPARATION BETWEEN
WATER & SANITARY LATERALS**

VERIFY THE SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY AAS OF ANY DISCREPANCIES.

DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARD PLAN 16-OF THE DEPARTMENT RESIDENTIAL DRIVEWAYS SHALL OF PUBLIC WORKS STANDARDS FOR STREET AND BRIDGE DESIGN & CONSTRUCTION.

THE LOCATION OF UTILITY LATERALS ARE SCHEMATIC IN NATURE AND SHOULD BE VERIFIED IN THE FIELD

LOT 18

ADDITION

2144 EAST 12TH STREET
8 1214 JEFFERSON AVENUE
INDIANAPOLIS, INDIANA

SITE PLAN

PREPARED FOR:

BYBEE HOLDINGS LLC

PROJECT LOCATED IN:

SOUTHEAST QUARTER
OF SECTION 31
TOWNSHIP 16 NORTH
RANGE 4 EAST
CENTER TOWNSHIP
MARION COUNTY



Complete Surveying Services for Commercial - Construction - Residential
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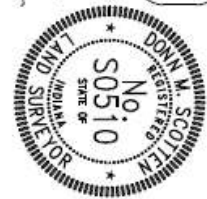
DRAWN BY: R. STOHLER
CHECKED BY: D. SCOTTEN
ISSUE DATE: 05-08-2023

SHEET
1 OF 1

PROJECT
NUMBER
1-24673 SITE

**PROJECT
NUMBER
1-24673 SITE**

Don't Stop



DRAWING LEGEND

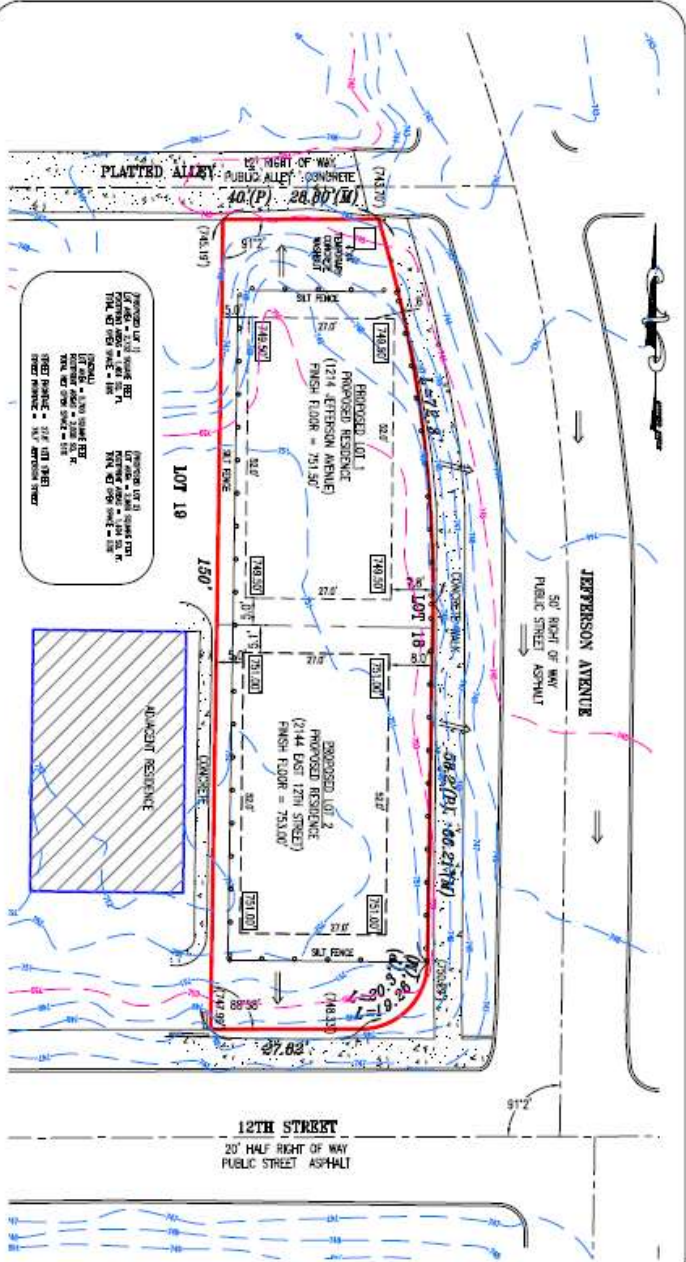
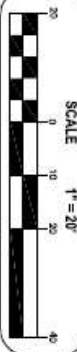
-
- BOUNDARY
 EXISTING ROAD
 PROPOSED ROAD
 LOT LINE
 CONDUIT
 CONDUIT MAJOR
 CONDUIT MINOR
 EXISTING DRAINAGE ROW
 PROPOSED DRAINAGE ROW

B.S.L. = BUILDING SETBACK LINE

WALDE = UTILITY AND DRAINAGE EASEMENT

SQ. FT. = SQUARE FEET

SCALE 1" = 20'



[illegible]

DEED DEDICATION

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

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What's the Deal with...

A representation of Nature's life: from matter

[illegible]

4411

NOTES FOR THE REPORT:

STUDY OF LIPIDS

Wissenschaftliche Dienste

REDACTION STATEMENT

100

James H. Sutter

LEGAL DESCRIPTION

Call: 800-855-0000
 PINE HILLS, LLC
 Brunswick, ME 03815-3000

MODERN LEGAL DESCRIPTION

[illegible]

EASEMENT NOTE

Each lot in this addition is subject to a covenant for city services to the city lot in the addition.

SURVEYOR'S CERTIFICATE

1. 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000

The other 114 is a representative of the large national and global studies my team manages and plotted under my direct supervision and control and that it is "new and original in the face of my knowledge and skills."

_____ is a resident of _____ and is the owner of _____.

_____ is the College of the Siskiyou County Sheriff



SCALE 1" = 15'

PROJECT LOCATED IN:
SOUTHEAST QUARTER
OF SECTION 31
TOWNSHIP 16 NORTH
RANGE 4 EAST
CENTER TOWNSHIP
MARION COUNTY

BYBEE'S 12TH STREET ADDITION
(a Replat of Lot 18 in Joseph A. Moares Addition)

PREPARED FOR
BYRNE HOLDINGS LLC

144 EAST 12TH STREET
214 JEFFERSON AVENUE

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SHEET
1 OF 1

PROJECT
NUMBER
1-24673 P

DRAWN BY: R. STOHLER
CHECKED BY: D. SCOTTEN
ISSUE DATE: 05-25-2023

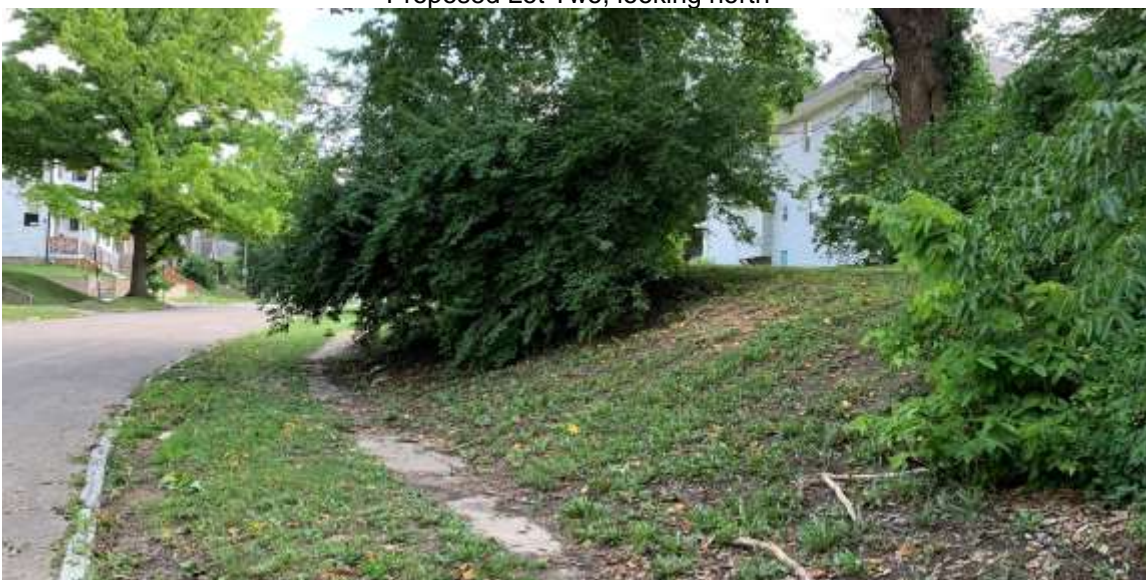
2023-CVR-832 / 2023-CPL-832 Site Photos



Subject site viewed from the intersection of 12th Street and Jefferson Avenue, looking north



Proposed Lot Two, looking north



Proposed Lot One, Jefferson Avenue frontage, looking south



Proposed Lot One, alley access, looking south



East of site



South of Site