

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-849 / 2023-CPL-849
Address: 1111 North Hamilton Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Jennifer Serviss White and Marshall White, by Adam Dehart
Requests: Variance of Development Standards to legally establish and provide for the subdivision of a duplex on a 40-foot wide, 6,100-square foot lot (minimum 60-foot wide, 7,200-square foot lot required).

Approval of a Subdivision Plat, to be known as Replat of Lot 44 in Clifford Place, dividing 0.14-acre into two single-family attached lots.

RECOMMENDATIONS

Staff recommends **approval of the variance** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated August 15, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, 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 be met prior to recording the final plat.
11. No detached single-family dwellings shall be built on the individual lots.

(Continued)

2023-CVR-849 / 2023-CPL-849 STAFF REPORT (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and developed with a two-family dwelling. The site was developed as a multi-unit house in 2022 (ILP22-01884).
- ◇ This request would provide for the subdivision of a duplex on a 40-foot wide, 6,100-square foot lot where the requirement is a minimum 60-foot wide, 7,200-square foot lot. The proposed plat would divide the existing parcel into two lots.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the subdivision of a two-family dwelling on a 40-foot wide, 6,100 square foot lot. Single-family attached dwellings are only permitted in the D-5 district as duplexes per Table 742-103.03; however, the existing lot is less than the minimum lot width, 60-feet, and minimum lot size, 7,200 square feet.
- ◇ The reduction of lot width is a difference of 20 feet and the reduction of lot size is a difference of 1,100 square feet. Staff would note that the dwelling meets the required minimum lot width and area for a multi-unit house, which may have two to four units. Staff would not be opposed to a slight reduction of lot width and area to allow for a duplex where other multi-unit development is permitted.
- ◇ Staff would note that a condominium agreement could allow for each dwelling unit to be owned individually without requiring a plat or variance. Staff believes that a variance for reduced lot size to allow for platting of the duplex for individual ownership could be granted with minimal impact on the surrounding properties. Staff would not be opposed to a variance for minimum lot width and lot size for the purposes of dividing a two-family dwelling.

PLAT

- ◇ This proposed plat would divide the existing parcel into two lots. Lots One and Two would each contain half of the two-family dwelling with the lot line following the common wall and continuing through the rear of the lot. The proposed plat meets the standards of the D-5 zoning classifications and the proposed companion variance.

TRAFFIC / STREETS

- ◇ The proposed lots would front on Hamilton Avenue, with alley access to the rear. No new streets are proposed as part of this petition.

(Continued)

2023-CVR-849 / 2023-CPL-849 STAFF REPORT (Continued)

PROCEDURE

- ◇ This plat petition, if approved, only legally establishes the division of land. In the event that the existing duplex were to be removed, any new construction that does not conform to the site plan approved by variance would be required to meet all development standards of the D-5 Dwelling District, including, but not limited to, setbacks, minimum lot width and frontage, and minimum open space

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Two-family residential
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-family residential
South	D-5	Single-family residential
East	D-5	Single-family residential
West	D-5	Single-family residential

COMPREHENSIVE LAND USE PLAN Light Industrial

THOROUGHFARE PLAN Hamilton 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.

SITE PLAN & PRELIMINARY PLAT File-dated August 15, 2023

FINDINGS OF FACT File-dated August 15, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2018-HOV-063, 1047 North Hamilton Avenue, variance to provide for a single-family dwelling with eight feet between primary dwellings, **approved**.

2011-LNU-001, 1102 Jefferson Avenue, approval to legally establish an accessory structure with deficient setbacks

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

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2023-CVR-849 / 2023-CPL-849 Aerial Map



[illegible]

2023-CVR-849 / 2023-CPL-849 Findings of Fact

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:

the existing platted lot is adequately sized for the recent development of a duplex on the lot. Splitting the residences into two separate lots will not be a detriment to the public health, safety, morals and general welfare of the public. The remainder of the bulk standards for this structure on the propose lot split will comply with all other UDO standards.

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:

It is unlikely the use and value of the adjacent properties will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on adjacent surrounding properties, because the use of the property will not change. Splitting the property will increase the value of properties.

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

Strict adherence to the UDO would result in the inability of the owner(s) to enjoy the maximum benefits of the lot split. There is a practical difficulty in complying with the D5 zoning as the platted lot does not meet the minimum standards for a Duplex.

2023-CVR-849 / 2023-CPL-849 Photos



Subject site viewed from Hamilton Avenue



Subject site viewed from alley