

**BOARD OF ZONING APPEALS DIVISION III**

**September 19, 2023**

**Case Number:** 2023-DV3-029

**Property Address:** 2824 Kristen West Drive (approximate address)

**Location:** Warren Township, Council District #13

**Petitioner:** Marcus & Kimyatta Anderson

**Current Zoning:** D-A

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a five-foot north side yard setback, resulting in an open space of 80 percent (15-foot side yard setback, open space of 85 percent required).

**Current Land Use:** Residential

**Staff Recommendations:** Staff recommends approval of this petition

**Recommended Motion:** Motion to approve petition 2023-DV3-029

**Staff Reviewer:** Noah Stern, Associate Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of this petition

**PETITION OVERVIEW**

- This request would provide for the construction of a detached garage with a five-foot north side yard setback, resulting in an open space of 80 percent (15-foot side yard setback, open space of 85% required).
- The area of the subject site is approximately 0.42 acres, well below the minimum lot size of 3 acres for parcels in D-A districts. The D-A side yard setback development standard of 30 feet is reduced to 15 feet for nonconforming parcels with deficient minimum lot area or lot width such as the subject site. However, given the degree to which the subject site is deficient in lot area, Staff believes that the reduced minimum setback requirement of 15 feet still too significant of a standard for the subject site. Given that the lot area is less than 1/6<sup>th</sup> the size of typical D-A lots, reducing the side yard setbacks by 50% does not eliminate practical difficulty for the property owner. Therefore, Staff is not

opposed to the variance request of a five-foot north side yard setback to allow for the construction of a detached garage.

- Similarly, the minimum open space requirement of 85% is a reasonable standard for D-A lots that are 3 or more acres. With the area of the subject site being significantly less than the typical lot size, Staff acknowledges a practical difficulty for the petitioner and is, therefore, not opposed to the variance request of 80% open space to allow for the construction of a detached garage.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-A	North: Single-family residential
South:	D-A	South: Single-family residential
East:	D-A	East: Single-family residential
West:	D-A	West: Single-family residential
<b>Thoroughfare Plan</b>		
Kristen West Drive	Local Street Existing ROW: 53 feet Proposed ROW: 48 feet	
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	7/27/2023	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	7/27/2023	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

#### **Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood living typology for this site.
- This typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate, and generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

#### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site

#### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site

#### **Infill Housing Guidelines**

- The Infill Housing Guidelines (IHG) document is used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects for all scales and types.
- With regards to detached garages, the Infill Housing Guidelines document recommends:
  - Locate accessory structures behind primary building
  - Access accessory buildings from alleys, when possible
    - Since the site does not have alley access, the detached garage will be accessed from the driveway that is on the north side of the primary structure
  - Don't overshadow primary buildings
- The proposal is in accordance with these recommendations.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**83-UV3-98; 2640 N Butler Avenue (south of site)**, variance of use of the Dwelling Districts Ordinance to provide for the permanent use of a mobile home on the subject property, **approved**.

**87-UV1-17; 2944 Kristen West Drive (north of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile trailer for the storage of art equipment and materials for a maximum period of one year, **approved**.

**92-Z-85; 5325 E 30<sup>th</sup> Street (north of site)**, request rezoning of 6.495 acres from D-A district to SU-1 classification to provide for a church, **approved**.

**97-SE3-10; 2712 N Hawthorne Lane (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home being 28 by 40 feet, **approved**.

**98-Z-42; 2601 Hawthorne Lane (south of site)**, request rezoning of 2.8 acres from D-A to I-3-U, **approved**.

**99-SE3-5; 2714 N Hawthorne Lane (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide the placement of a manufactured home, being 27 by 44 feet, **approved**.

**2000SE2013; 2750 N Hawthorne Lane (west of site)**, special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **approved**.

**2008DV3039; 2723 N Butler Avenue (west of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling District Zoning Ordinance to provide for the construction of a 1,200-square foot detached accessory building, resulting in an accessory building area of 1,663 square feet or 165 percent of the main floor area of the primary structure (maximum 756 square feet or 75 percent of the main floor area of the primary structure permitted), and 2,217 square feet of accessory use area or 220 percent of the total living area of the primary structure (maximum 1,007 square feet or 99.99 percent of the total living area of the primary structure permitted), **approved**.

**2014ZON077; 5249 E 30<sup>th</sup> Street (north of site)**, Rezoning of 2.55 acres from the D-5 (FF) and D-5 districts to the SU-1 (FF) and SU-1 classifications to provide for religious uses and the construction of a two-story, 4,000-square foot community building, and to add a second floor to building uses for offices, **approved**.

**2021DV1025; 2816 N Ritter Avenue (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the completion of a



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Division of Planning  
Current Planning**

1,600-square foot, 22.67-foot tall pole barn, with a three-foot side setback, 13.5-foot rear setback and 77% open space (accessory garage cannot be taller than the 14.5-foot tall dwelling, 15-foot side and rear setbacks and 85% open space required), **approved.**

## EXHIBITS















