

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-054
Address: 530 West 44th Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5
Petitioner: James Hall
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 754-square foot carriage house (maximum square footage of 720 square feet permitted) with a five-foot corner side yard setback from Sunset Avenue (10-foot required) and a 2.5-foot rear yard setback (five-foot setback required).

ADDENDUM JANUARY 2, 2024

This petition was continued for cause by the petitioner from the November 14, 2023, hearing to the January 2, 2024, hearing.

No additional information has been submitted to the file.

November 14, 2023

The petitioner has submitted a request to **continue this petition for cause, to the January 2, 2024, hearing** without additional notice.

RECOMMENDATIONS

Staff **recommends denial** of this 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	University Office
South	D-5	Single-family dwelling
East	D-5	Single-family dwelling
West	UQ-1	University building

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Institution-oriented mixed uses for the site.

(Continued)

STAFF REPORT 2023-DV1-054 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to accessory buildings, are intended to ensure the dwelling remains the primary use of the property. Limiting the size of accessory structures preserves open space and regulates the building mass impact to surrounding property owners.
- ◇ Secondary dwelling units in the compact context are permitted above a garage when they are less than 720 square feet in size and meet other certain use-specific standards. The proposed secondary dwelling unit is approximately 754 square feet, larger than the permitted 720 square feet for a secondary dwelling unit.
- ◇ Staff believes that the proposed secondary dwelling unit could be reduced in size, and still provide for adequate parking, which would also allow the proposed structure to meet the required setbacks.
- ◇ Any deviation from the minimum standards should be related to the property, and not to the individual's needs. There is no inherent practical difficulty caused by the terms of the Ordinance upon the subject site. This proposed use would consist of new construction that could be designed to meet the terms of the Ordinance.
- ◇ No peculiar condition exists on site for staff to be supportive of the request. Instead, this is a self-imposed difficulty since the proposed structure could be designed in a way to meet the required setbacks and limited to the maximum size for the secondary dwelling unit without the need for variances.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of West 44th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

This portion of Sunset Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

SITE PLAN

File-dated September 21, 2023.

FINDINGS OF FACT

File-dated September 21, 2023.

ZONING HISTORY

2023-DV2-010; 526 Blue Ridge Road (north of site), requested a variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback without a primary entry on the front façade, **denied**.

2016-DV3-035; 653 West 44th Street (west of site), requested a variance of use to provide for a single-family dwelling occupied by five unrelated persons, **denied**.

(Continued)

STAFF REPORT 2023-DV1-054 (Continued)

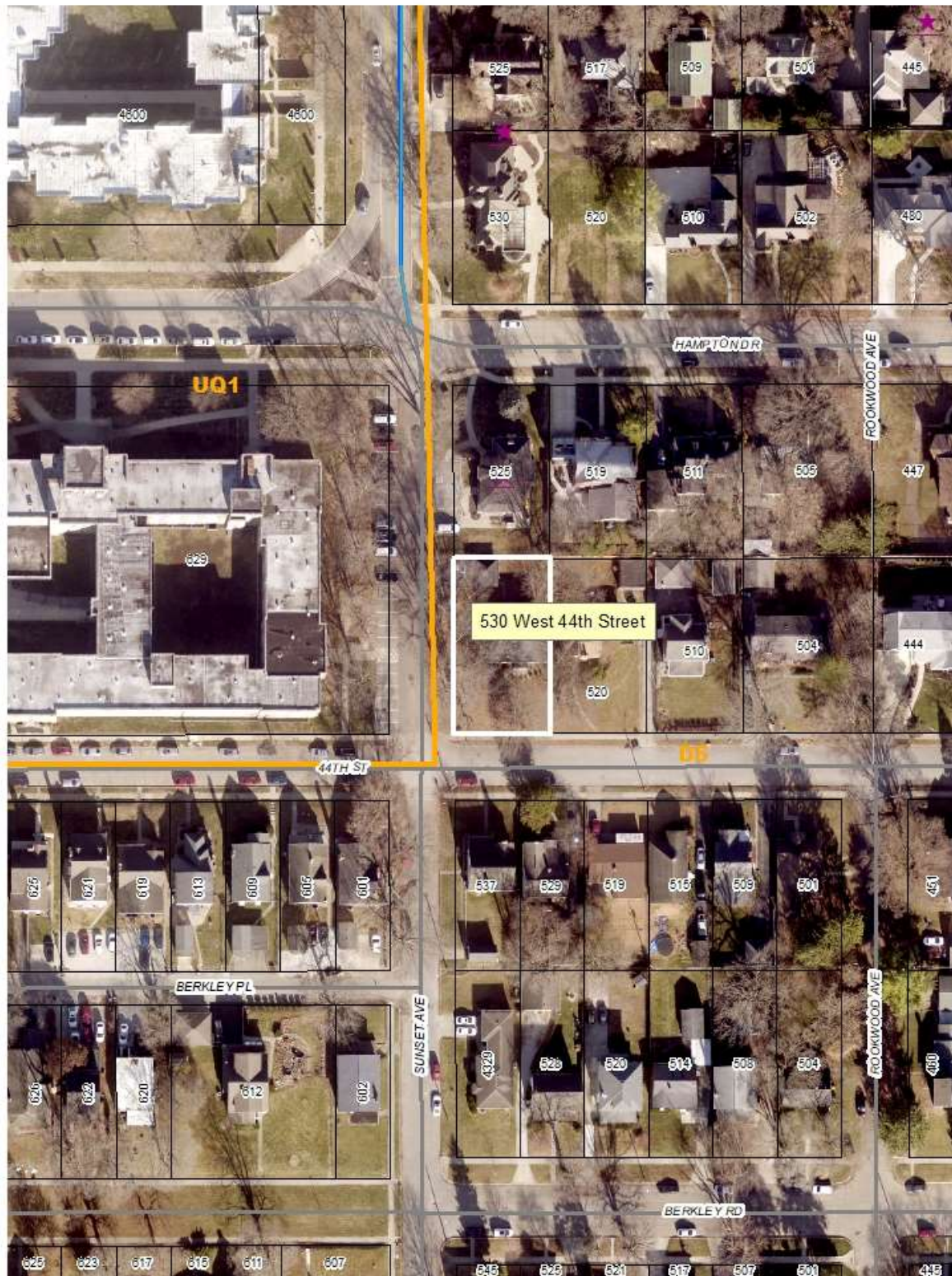
2006-UV2-040; 525 West Hampton Drive (north of site), requested a variance of use to provide for a university police station within an existing dwelling, **granted**.

2004-DV1-027; 313 Blue Ridge Road (east of site), requested a variance of development standards to legally establish a 1,429-square foot single-family dwelling with a 320-square foot attached deck with a one-foot west side yard setback, and to provide for a 48-square foot bay window addition resulting in a 21-foot front yard setback from the existing right-of-way of Blue Ridge Road, **granted subject to conditions**.

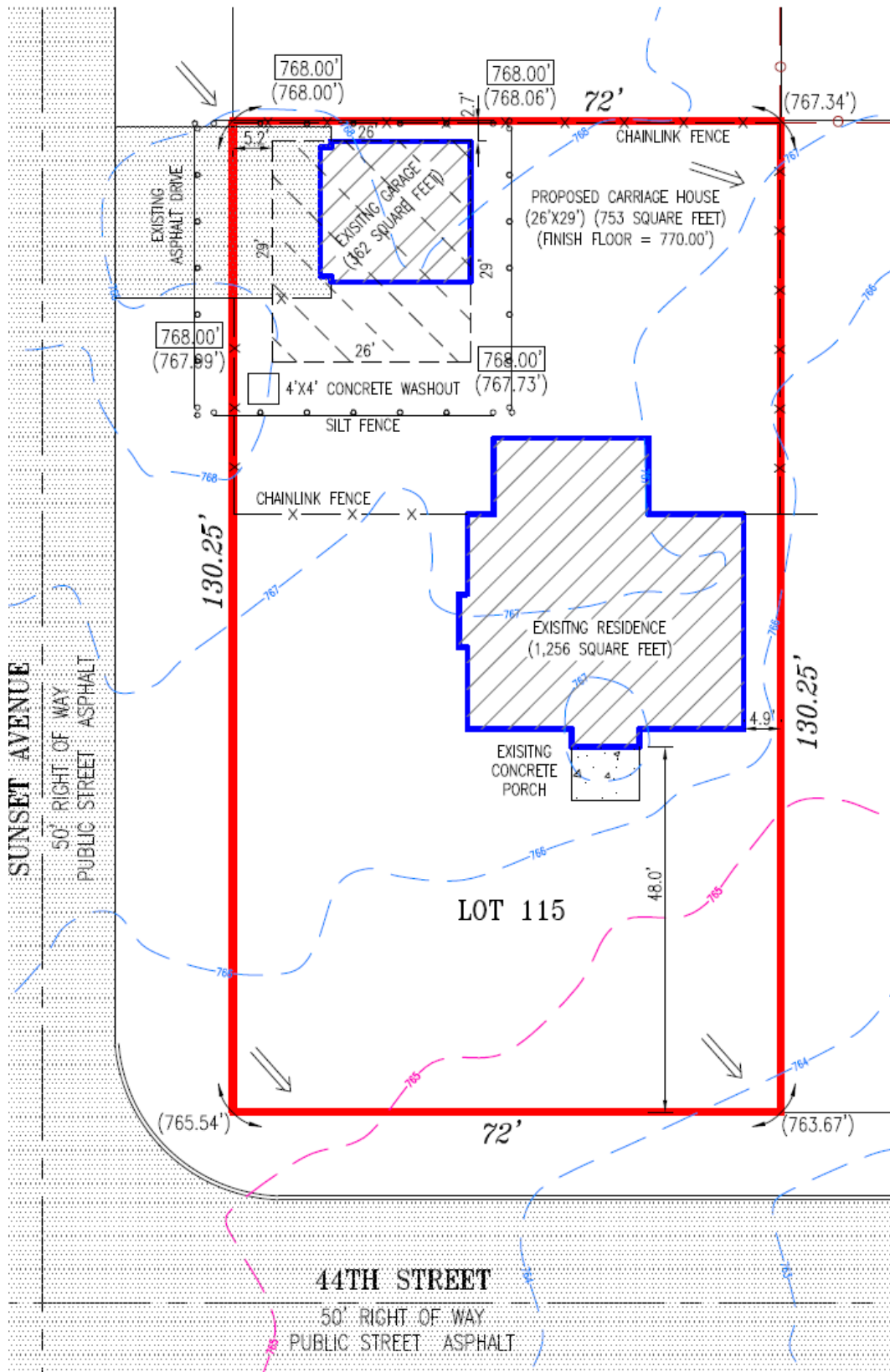
2001-UV1-026; 525 Berkley Road (south of site), requested a variance of use to provide for a single-family dwelling occupied by six unrelated persons, **denied**.

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2023-DV1-054: Location Map



2023-DV1-054; Site Plan



2023-DV1-054; Photographs



Subject site, existing single-family dwelling, looking north.



Subject site, existing garage and location for the proposed new garage with a secondary dwelling unit, looking east.



Adjacent single-family dwelling to the south.



Adjacent single-family dwelling to the east, looking north.



Adjacent university office to the north, looking northeast.



Adjacent university building and parking to the west, looking northwest.