

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-056
Address: 3777 West 69th Street (approximate address)
Location: Pike Township, Council District #7
Zoning: D-S
Petitioner: Silvia Sandoval & Glenda Buttrum, by Elizabeth Bentz Williams, AICP
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a detached garage with a seven-foot west side yard setback (15-foot side yard setbacks required) and a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback (35-foot aggregate side yard setback required).

ADDENDUM FOR JANUARY 2, 2024

This petition was continued for cause at the request of the petitioner, from the December 5, 2023, hearing, to the January 2, 2024, hearing.

Staff continues to recommend approval subject to the submitted commitments.

December 5, 2023

RECOMMENDATIONS

Staff **recommends approval** of the request subject to the submitted commitments outlined in Exhibit A.

SUMMARY OF ISSUES

LAND USE ISSUES

EXISTING ZONING AND LAND USE

D-S	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North - D-S	Single-family dwelling
South - SU-2	Public middle school
East - D-S	Single-family dwelling
West - D-S	Single-family dwelling

COMPREHENSIVE LAND USE PLAN The Comprehensive Plan recommends rural, or estate neighborhood uses for the site.

(Continued)

STAFF REPORT 2023-DV1-056 (Continued)

- ◇ This 1.55-acre site, zoned D-S, is developed with a single-family dwelling, detached garage, and accessory storage shed. Single-family dwellings are located to the west, north, and east in the D-S zone. The surrounding houses are similar in size to the existing dwelling. A public middle school is located in an SU-2 zone to the south of the property.
- ◇ A previous petition (2015-DV1-062), requested a variance of development standards to legally establish a 23-foot tall, 1,152-square foot detached garage, with an approximate seven-foot west side setback, and to legally establish a 658-square foot freestanding shed, with a 4.5-foot east side setback, creating an accessory building area (ABA) of 1,810 square feet or 156% of the main floor area of the primary dwelling and an accessory use area (AUA) of 2,496 square feet or 215% of the total floor area of the primary dwelling. That request was denied.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition request would legally establish the detached garage, with a seven-foot west side yard setback. The request would also legally establish a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback.
- ◇ The previous request for the 23-foot tall height variance has been eliminated by the petitioner's agreement to reduce the height of the existing garage. This change would diminish the noticeable existing height differential between the garage and the one-story ranch single-family dwelling. The petitioner has submitted a commitment that this height reduction would be done within six months of the variance approval.
- ◇ With the height reduction, the visual impact of the garage would be lessened. This would provide for the garage not to dominate the streetscape and for the subject site dwelling to remain as the primary structure on the site. The garage would also be similar in height as other surrounding dwellings.
- ◇ The request to legally establish a freestanding shed with a 4.5-foot east side yard setback, resulting in an 11.5-foot aggregate side yard setback, would have minimal impact on adjoining properties, because, despite its length, its lack of bulk sufficiently diminishes its impact along the east lot line.
- ◇ Staff believes that the site is overly large and that the reduced setbacks as requested would not create a nuisance to surrounding neighbors.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of West 69th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing right-of-way, and a 50-foot proposed right-of-way.

SITE PLAN

File-dated October 11, 2023.

FINDINGS OF FACT

File-dated October 11, 2023.
(Continued)

STAFF REPORT 2023-DV1-056 (Continued)

ZONING HISTORY - SITE

74-Z-198; rezoning of various tracts of land, being in A-2 and C-4 districts, to D-1, D-2, D-3, and D-4 classifications to permit single and two-family residences, as designated on maps on file, **granted.**

2015-DV1-062; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 23-foot tall, 1,152-square foot detached garage, with an approximate seven-foot west side setback, and to legally establish a 658-square foot freestanding shed, with a 4.5-foot east side setback, creating an accessory building area (ABA) of 1,810 square feet or 156% of the main floor area of the primary dwelling and an accessory use area (AUA) of 2,496 square feet or 215% of the total floor area of the primary dwelling, **denied.**

ZONING HISTORY - VICINITY

83-HOV-30; 3781 West 69th Street (west of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the placement of a detached garage being 5-feet from the side property line, **granted.**

84-HOV-125; 3722 West 69th Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage to be built at 6-feet from the side property line, **granted.**

89-UV1-127; 3640 West 69th Street (northeast of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the construction of a 1,440-square foot building for vehicle and incidental storage, **granted.**

91-UV2-5; 3721 West 71st Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit outdoor storage of the following: one pick-up, one forestry truck, one stump grinder, and one woodchipper, **granted for a temporary period of two years.**

93-UV2-36; 3721 West 71st Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a tree service office within an existing residence with two employees parking on-site and outdoor storage of one pick-up truck, one woodchipper, one forestry truck, and one stump grinder, **granted.**

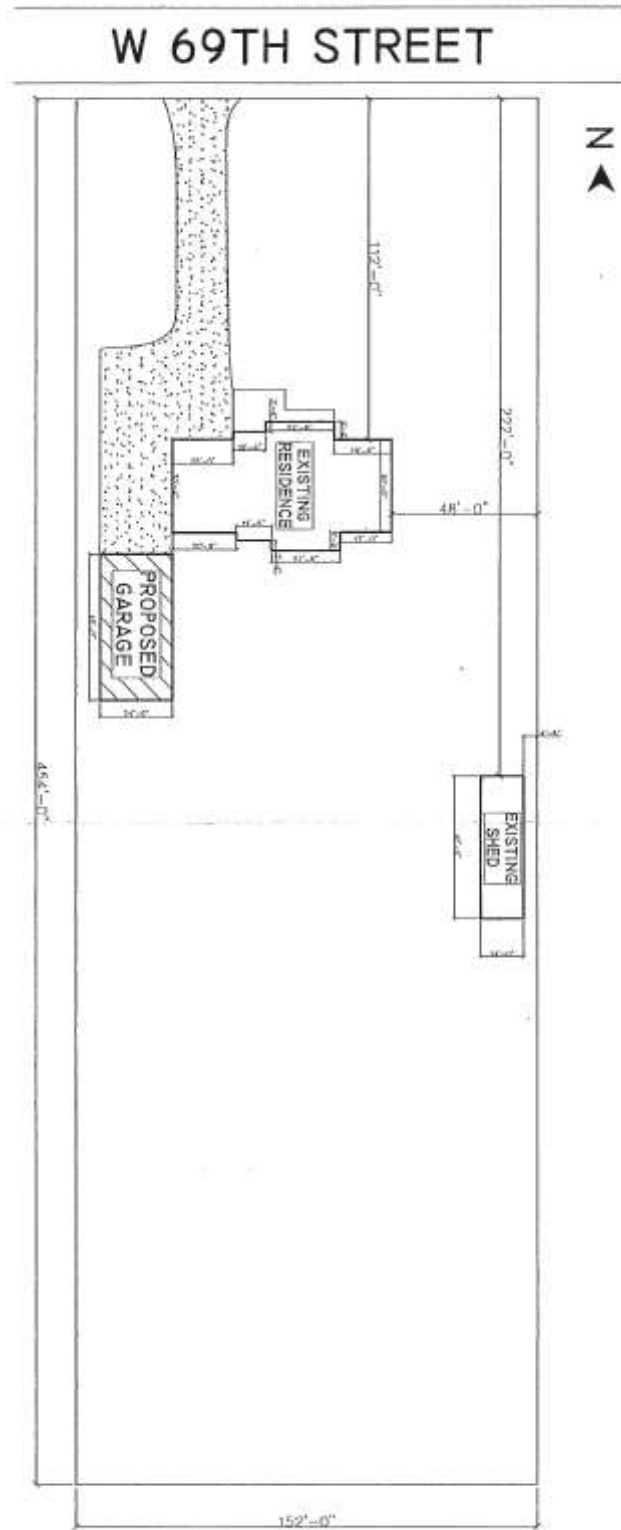
96-V1-111; 3788 West 69th Street (northwest of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 24 by 30-foot detached garage with an 8-foot side yard setback, **granted.**

2017-SE1-005; 3838 West 69th Street (northwest of site), requested a special exception to provide for primary and accessory religious uses, including but not limited to, a dwelling for the Abbot of the Temple, with a variance of development standards to legally establish a residential lot with a street frontage of 20 feet, **granted subject to commitments.**

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2023-DV1-056; Location Map





2023-DV1-056; Proposed Commitments - Exhibit A.

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description:

PART OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 3 EAST, IN MARION COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SAID POINT BEING 1555.88 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER SECTION AND 833.2 FEET WEST OF THE EAST LINE OF THE SAID NORTHEAST QUARTER SECTION; RUNNING THENCE WEST A DISTANCE OF 150 FEET TO A POINT; SAID POINT BEING 1556.55 FEET SOUTH OF THE NORTH LINE OF THE SAID NORTHEAST QUARTER SECTION, RUNNING THENCE SOUTH A DISTANCE OF 467.55 FEET TO A POINT SAID POINT BEING 979.9 FEET WEST OF THE EAST LINE AND 2024.10 FEET SOUTH OF THE NORTH LINE OF THE SAID NORTHEAST QUARTER SECTION; THENCE EAST A DISTANCE OF 150 FEET TO A POINT, SAID POINT BEING 829.9 FEET WEST OF THE EAST LINE AND 2022.76 FEET SOUTH OF THE NORTH LINE OF THE SAID NORTHEAST QUARTER SECTION, THENCE NORTH A DISTANCE OF 466.88 FEET TO THE PLACE OF POINT OF BEGINNING, CONTAINING 1.62 ACRES, MORE OR LESS.

Statement of COMMITMENTS:

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| 1. | <i><u>The garage roof shall be reduced to ensure the finished height is less than the height of the primary dwelling structure, to a maximum height of approximately 15 feet.</u></i> |
| 2. | <i><u>The reduction in height shall occur within 6 months of the variance approval.</u></i> |
| 3. | <i><u>There shall be no commercial vehicles or uses on site, and /or storage of commercial material and equipment on site.</u></i> |

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2023-DV1-___ by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

2023-DV1-056; Photographs



The residence, looking south, from 69th Street.



The detached garage, to the west of the primary dwelling, looking south.



The west side property line, and garage setback, looking south.



The backyard, showing the side of the freestanding shed, looking east.



The east side property line, and shed setback, looking south.



The backyard, looking south.



Adjacent property to the west, looking south.



Adjacent property to the east, looking south.