

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV2-045
Address: 1251 South Alabama Street (approximate address)
Location: Center Township, Council District #16
Zoning: D-5
Petitioner: David M Rollings, by Mark & Kim Crouch
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legalize the existing ten-inch front, rear and northern side yard setbacks (front setback of zero-ten feet required for Terrace Frontages, 20-foot rear yard, five-foot side yard setback required) with no off-street parking provided (one space required); and to provide for a roofline change along a non-conforming setback and vertical expansion (not permitted), all within the clear sight triangle of Alabama and the intersecting alley (encroachment of clear sight triangles not permitted).

ADDENDUM FOR MARCH 7, 2023

This petition was continued for cause at the request of the petitioner, from the January 3, 2023 hearing, to the March 7, 2023 hearing. No additional information has been provided to the file.

January 3, 2023

This petition was continued for cause from the December 13, 2022, hearing of Board II, and transferred to the January 3, 2023, hearing, of Board I at the request of the petitioner.

RECOMMENDATIONS

Staff **recommends denial** of the 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	Single-Family Dwelling
South	D-5	Single-Family Dwelling
East	D-5	Undeveloped
West	D-5	Single-Family Dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends traditional neighborhood development.
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STAFF REPORT 2022-DV2-045 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property values, by providing for open buffer areas along lot lines, and to ensure adequate access around structures to help maintain the property without requiring access through adjacent properties.
- ◇ The existing structure, with ten-inch front, rear and northern side yard setbacks is considered a legally non-conforming structure, as a single-family use is allowed in the D-5 zoning district. The deficient setbacks are also considered legally non-conforming and already legally established for the existing structure, as they existed prior to the current Ordinance. The structure as it exists, can be rebuilt as-is 100% under the current Ordinance. Therefore, the request to legally establish the deficient side setbacks is not needed for the use of, or to remodel the existing structure as built.
- ◇ However, instead of remodeling the existing two-bedroom structure and using it as is, the requested variances are a result of the petitioner's intent to legalize the existing residence parameters for use with a proposed larger dwelling through a new construction expansion. The proposed expansion would be beyond the scope of a permitted remodel and would forfeit the legally non-conforming status of the existing dwelling. It would provide for new construction for a three-bedroom dwelling, including an expanded second floor, and partial third floor, both being greater in square footage and building height than the existing structure. This is the result of the need for the multiple variance requests.
- ◇ The intent of legally establishing deficient setbacks of original built pre-ordinance development should only apply when the original built structure is being remodeled or reconstructed in a similar fashion. Any expansion of the new construction beyond the original development, on a deficient sized lot would significantly intensify the use of the site, and negatively impact adjacent dwellings.
- ◇ The vertical expansion of the dwelling as indicated in the submitted elevations and floor plans, would expand the second-floor area, and increase the structure height. Staff is concerned the proposed new construction expansion would be too close to the existing power lines to satisfy AES/IPL separation requirements. Therefore, if this variance should be granted, Staff is requesting a commitment that the adjacent above ground utility power lines be buried or moved if needed to satisfy AES/IPL's separation requirements from the dwelling structures.
- ◇ The request to provide for zero-off street parking is a result of the petitioner's intent to increase the intensity and use of the site by constructing a dwelling larger than the existing dwelling, thereby forfeiting the existing legally non-conforming status of the existing structure, and lack of off-street parking. As proposed, an off-street parking space can be provided in the open space area to the south of the existing structure. The desire not to provide the off-street parking space is self-imposed, and not a practical difficulty as a result of the subject site.
- ◇ Therefore, for the variances as requested for the new-construction expansion of the existing dwelling, Staff is recommending denial of the request.

(Continued)

STAFF REPORT 2022-DV2-045 (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of South Alabama 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.

SITE PLAN

File-dated December 14, 2022.

FINDINGS OF FACT

File-dated November 11, 2022.

ZONING HISTORY

2020-DV2-031; 301 Sanders Street (north of site), requested a variance of development standards to provide for a single-family dwelling with a twelve-foot front setback, four feet between dwellings, 52 percent open space and a detached garage, with both buildings within the clear sight triangle of the abutting streets and alley, **granted**.

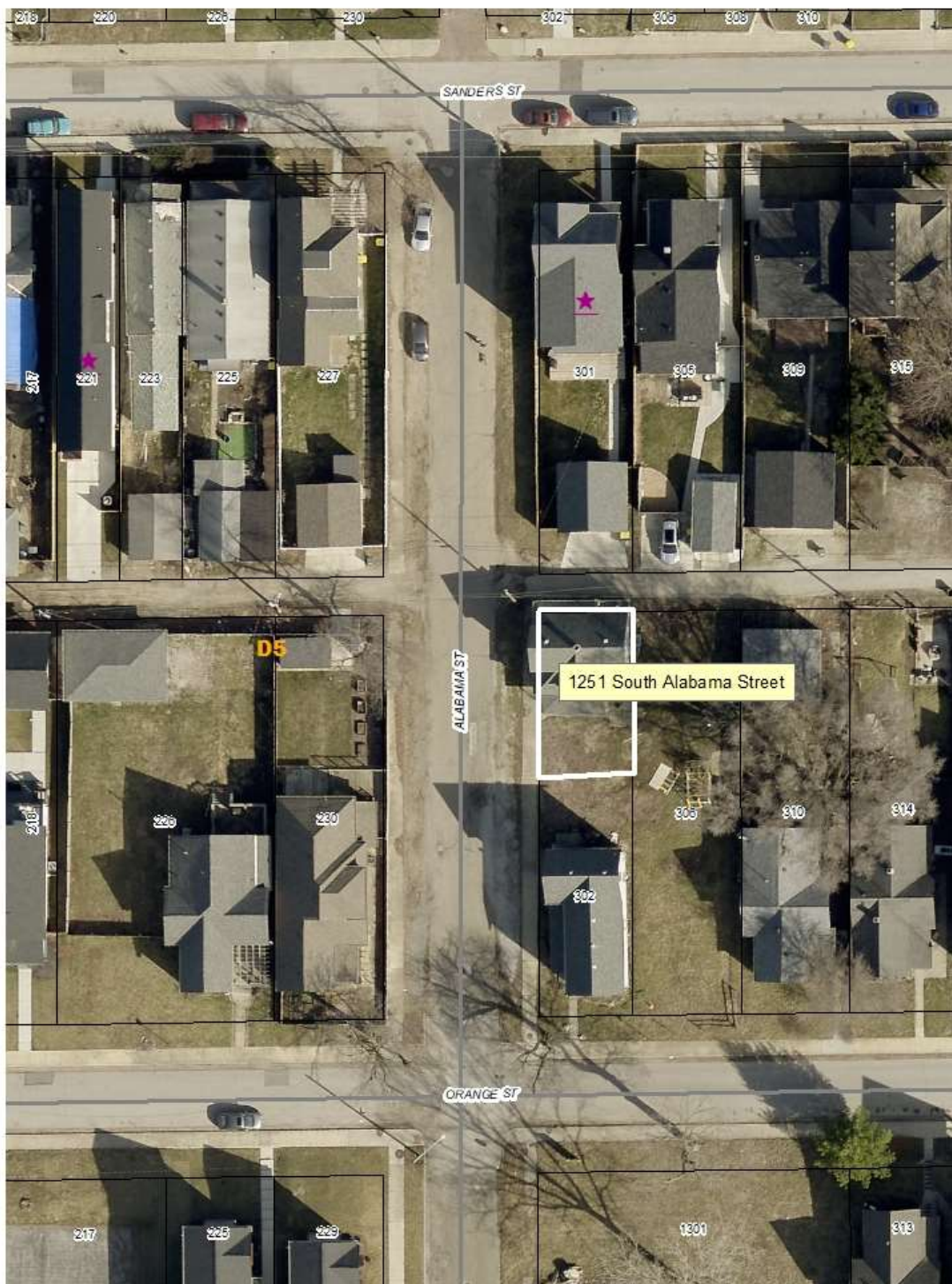
2018-DV1-001; 317 Orange Street (south of site), requested a variance of development standards to provide for a single-family dwelling, with an eight-foot front setback, with eight feet between primary dwellings, a detached garage with three-foot side setbacks, and with an open space of 54%, **granted**.

2017-DV1-052, 221 Sanders Street (west of site), requested a variance of development standards to legally establish a lot with 20 feet of frontage, and to provide for a two-story single-family dwelling with an attached garage, with an eight-foot front setback, two-foot side yard setbacks, five feet between dwellings, and 50 percent open space in a D-5 district, **granted**.

2016-DV3-027; 325 Sanders Street (east of site), requested a variance of development standards to provide for a single-family dwelling, with six feet between primary buildings, and with a 12-foot front setback, **granted**.

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2022-DV2-045; Location Map



Hand-drawn site plan of a proposed building on a 1.14-acre parcel. The plan shows a rectangular building with a "COVERED PORCH" on the left side. The building is labeled "EXTENSIVE 1 1/2 STORY W/ 1ST FLOOR 2ND STORY AND PART TERRACE". The site is bounded by a "1.14 AC. TRACT" on the right. The building is situated on a "50' x 120' LOT". The plan also shows a "10' DRIVE" on the left, a "50' DRIVE" on the right, and a "50' DRIVE" on the bottom. A "N" arrow points towards the top left. The plan is dated "1/10/10" and "75".

2022-DV2-045; Existing Elevations



2022-DV2-045; Proposed Elevations



2022-DV2-045; Photographs



Subject site with existing structure, looking southeast.



Subject site with existing structure, and adjacent side yard, looking east.



Adjacent dwellign to the south, looking north.



Adjacent dwelling to the north.



Adjacent dwelling to the west, looking northwest.



Adjacent undeveloped lot to the east, looking north.