

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV3-019  
**Address:** 2059 North Pasadena Street (approximate address)  
**Location:** Warren Township, Council District #19  
**Zoning:** D-4  
**Petitioner:** Gregory Gordon and Kyle Stewart, by Matthew Lyles  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,200 square foot pole barn, being larger than and in front of the primary dwelling (not permitted) with a seven-foot front yard setback from Pasadena Street (20-foot front setback required).

### **RECOMMENDATIONS**

Staff **recommends denial** of this petition.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

Compact	D-4	Single-family dwelling
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##### SURROUNDING ZONING AND LAND USE

North -	C-1	Commercial office
South -	D-4	Single-family dwellings
East -	D-4	Single-family dwellings
West -	D-4 / C-1	Single-family dwelling / Commercial office parking lot

COMPREHENSIVE PLAN	The Comprehensive Plan recommends suburban neighborhood uses for the site.
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### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Chapter 743, Article III. Section 6.A.2.b. of the Ordinance notes that “the horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.”
- ◇ The Ordinance maintains an appropriate development pattern in a dwelling district by limiting the square footage of accessory buildings in an effort to maintain the dominance of the primary dwelling. To maintain that relationship, accessory buildings should be incidental and subordinate to that dwelling.

(Continued)

## **STAFF REPORT 2023-DV3-019 (Continued)**

- ◇ This request would permit an accessory building with 3,200 square feet, or approximately 350% larger than the 918 square foot primary dwelling. In Staff's opinion, this increase in accessory building use area would disrupt and adversely impact the relationship and scale between the primary structure and accessory structures. Additionally, the residential scale of the neighborhood and the adjacent properties would be affected in a substantial adverse manner.
- ◇ The proposed accessory structure at 3,200 square feet, would minimize the importance and dominance of the primary dwelling as a result of the excess accessory building floor area. Furthermore, the size and location of the proposed pole barn lends itself to parking and storing vehicles and equipment related to commercial and industrial enterprises, and not accessory to the primary dwelling. If not for the petitioner, then possibly for future purchasers of the property.
- ◇ The Comprehensive Plan recommends suburban neighborhood development at this site. For residential uses, the suburban neighborhood land use plan recommendation is to provide for predominately single-family housing but interspersed with attached and multifamily housing where appropriate.
- ◇ The large lot size should not allow for disregard of the Comprehensive Plan recommendation, nor of the clearly residential nature of the surrounding area.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since an accessory structure smaller in footprint than the primary dwelling can be installed on the site, by right without any variances. Any practical difficulty is self-imposed by the petitioner's desire to choose to not follow the ordinance and use the site for an accessory structure 3.5 times larger than the primary dwelling.
- ◇ The requested seven-foot front yard setback from Pasadena Street is a self-imposed hardship as a result of the petitioner proceeding with construction prior to applying for proper permits. Had the petitioner applied for permits as required prior to starting construction, the proposed foundation and building could have been placed to meet the 20-foot front setback, as there is an additional approximate 115 feet in lot width available to do so.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since there is adequate open space to the rear of the proposed structure to provide for the required 20-foot front setback, without the need for a setback variance. Any practical difficulty is self-imposed by the desire to use the existing foundation that was poured prior to obtaining the appropriate permits.

(Continued)

## **STAFF REPORT 2023-DV3-019 (Continued)**

### **GENERAL INFORMATION**

#### THOROUGHFARE PLAN

This portion of North Pasadena 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 East 20th 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, April 24, 2023

#### FINDINGS OF FACT

File-dated, May 2, 2023

### **ZONING HISTORY**

**2004-SE1-008; 6602 East 20<sup>th</sup> Street (west of site)**, requested a special exception to provide for a 1,760.22-square foot manufactured home, **granted**.

**1991-Z-168; 6635 East 21<sup>st</sup> Street (north of site)**, requested the rezoning of 0.485 acre from the D-4 district to the C-1 classification to provide for medical offices, **approved**.

**1989-DV3-119; 6635 East 21<sup>st</sup> Street (north of site)**, requested a variance of development standards to permit development of two medical office buildings, on to be located 42 feet from the centerline of Pasadena Street and with a parking ratio of one space per 235 square feet of gross floor area, **granted**.

**1985-Z-127; 6665 East 21<sup>st</sup> Street (north of site)**, requested the rezoning of 1.35 acre, being in the D-4 district, to the C-1 classification to provide for a bank, **approved**.

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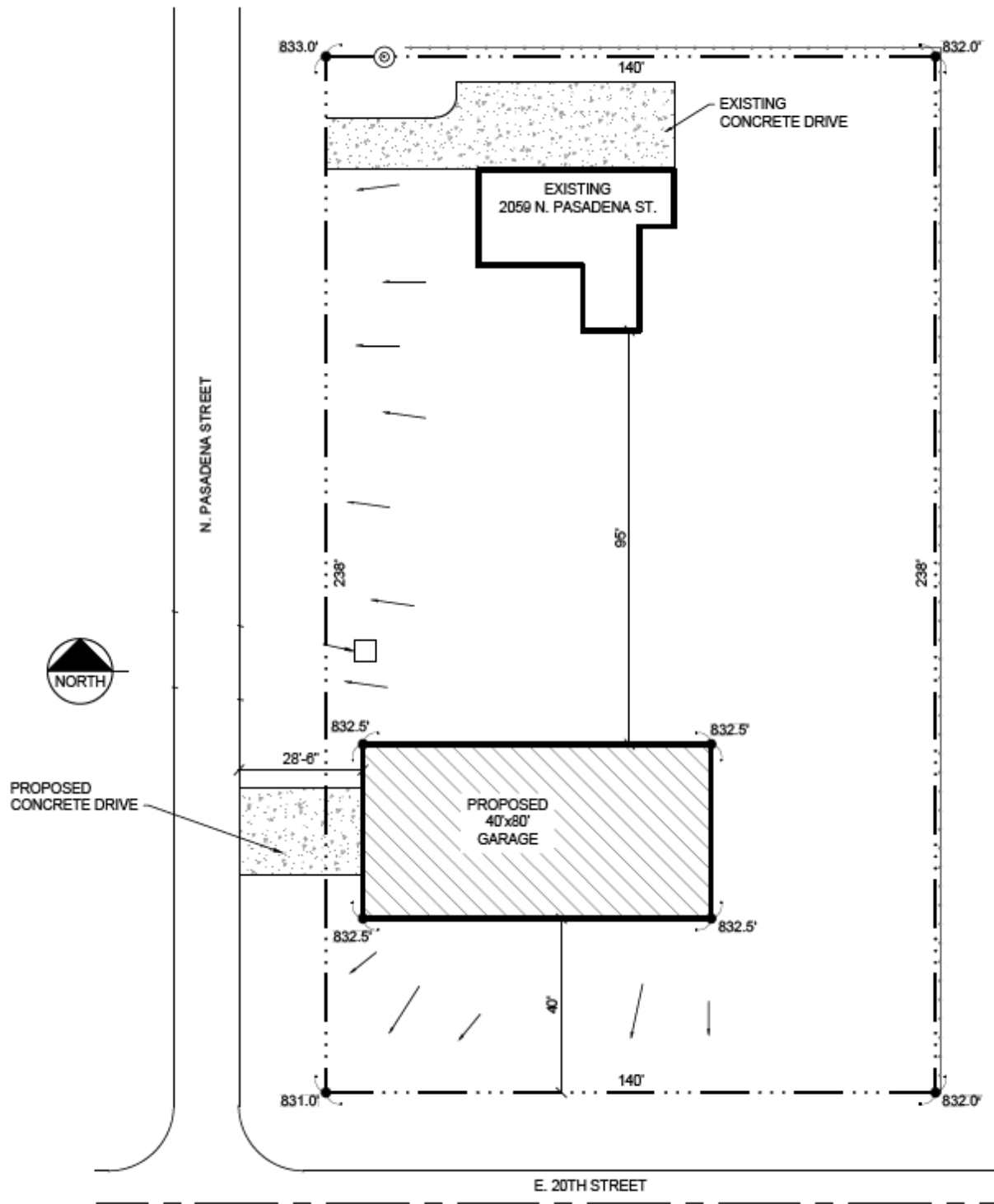
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**STAFF REPORT 2023-DV3-0193 (Continued)**

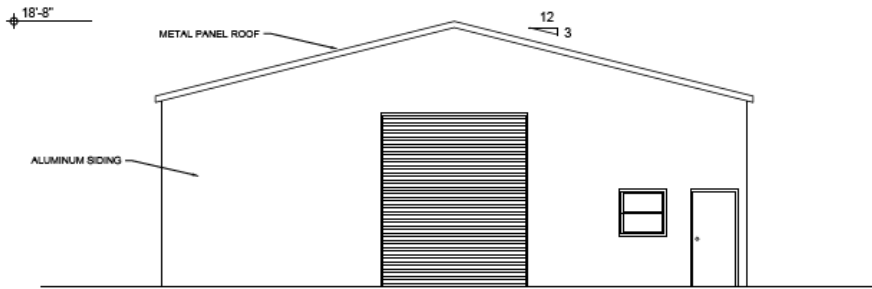
**2023-DV3-019; Location Map**



2023-DV3-019; Site Plan

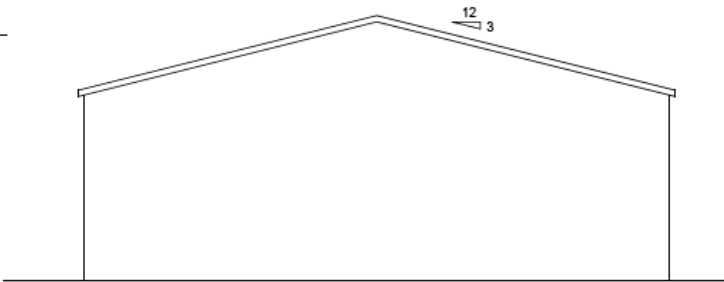


2023-DV3-019; Elevations



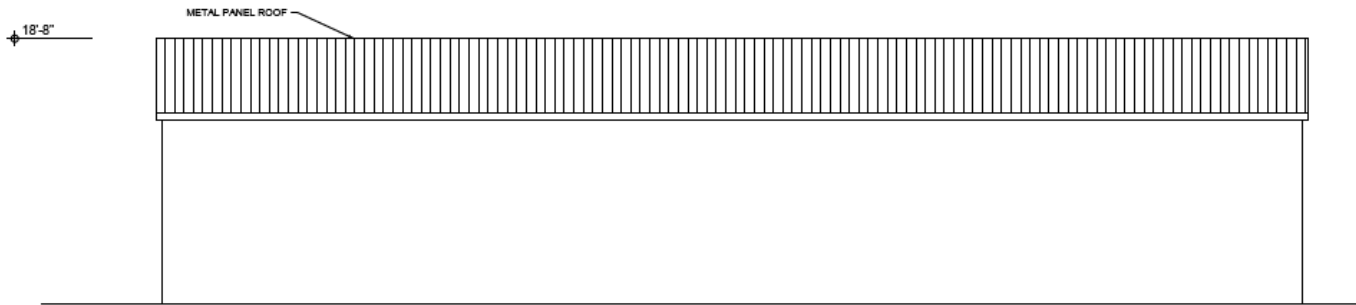
NORTH ELEVATION

SCALE : 1/8" = 1' - 0"



SOUTH ELEVATION

SCALE : 1/8" = 1' - 0"



EAST AND WEST ELEVATION

SCALE : 1/8" = 1' - 0"



**2023-DV3-019; Pictures**



Subject site primary dwelling, looking east.



Subject site side yard, proposed accessory structure location with poured foundation, looking east.



Adjacent dwelling to the west.



Adjacent dwelling to the south.





Adjacent dwelling to the east, looking west.



Adjacent commercial bank to the north, looking south.