

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-029 (Amended)
Address: 8349 Acton Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Carri Gano, by Steven A. Brown
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of detached garage with a four-foot south side yard setback (15-foot side yard setback required).

RECOMMENDATIONS

Staff **recommends approval** of this request as amended.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-A	Metro	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-A	Residential (Single-family dwelling)
South	D-A	Residential (Single-family dwelling)
East	A-0	Residential (Single-family dwelling)
West	D-P	Residential (Single-family dwellings)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends suburban neighborhood development.
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- ◇ The 0.51-acre subject site is developed with a single-family dwelling and detached garage. It is surrounding by similarly developed residential properties.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The initial request was to provide for the construction of a detached garage with a four-foot south side yard setback, resulting in an 18-foot aggregate side setback and an 18-foot rear yard setback where a 30-foot side yard, 75-foot aggregate side yard, and 75-foot rear setback was required.
- ◇ Due to an exception of the Ordinance, per Sec 744-202.A., this D-A lot was platted prior to December 20, 1989 allowing the exception to permit 15-foot minimum side and rear setbacks. This also resulted in the elimination of the aggregate side setback requirement.

(Continued)

STAFF REPORT 2023-DV1-029 (Continued)

- ◇ The amended request would allow a four-foot south side yard setback where 15 feet is required.
- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- ◇ The subject site is deficient in size as required by Table 744-201-1, which notes that the D-A district requires a minimum 3-acre lot area, 250-foot lot width, and 125-foot street frontage. Instead, the site measures approximately 19,500 square feet with a 100-foot lot width and street frontage.
- ◇ Approval of the request would not be out of character with the surrounding area where accessory structures have less than 15 feet from the side yard property lines.
- ◇ Staff typically supports variances where there is little impact to surrounding properties. In this case, a four-foot south side setback would provide sufficient separation for building maintenance.

GENERAL INFORMATION

THOROUGHFARE PLAN	Acton Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 100-foot existing right-of-way and an 80-foot proposed right-of-way.
SITE PLAN	File-dated June 8, 2023.
FINDINGS OF FACT	File-dated June 8, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

1. Only VIO23-002521: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for mini-barns or sheds exceeding 200sq. feet...600sq. feet). Failure to comply with use-specific standards and zoning district development standards for the D-A district; (Table 744-201-1: - Garage located in the 15 ft. side yard setback).

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

None.

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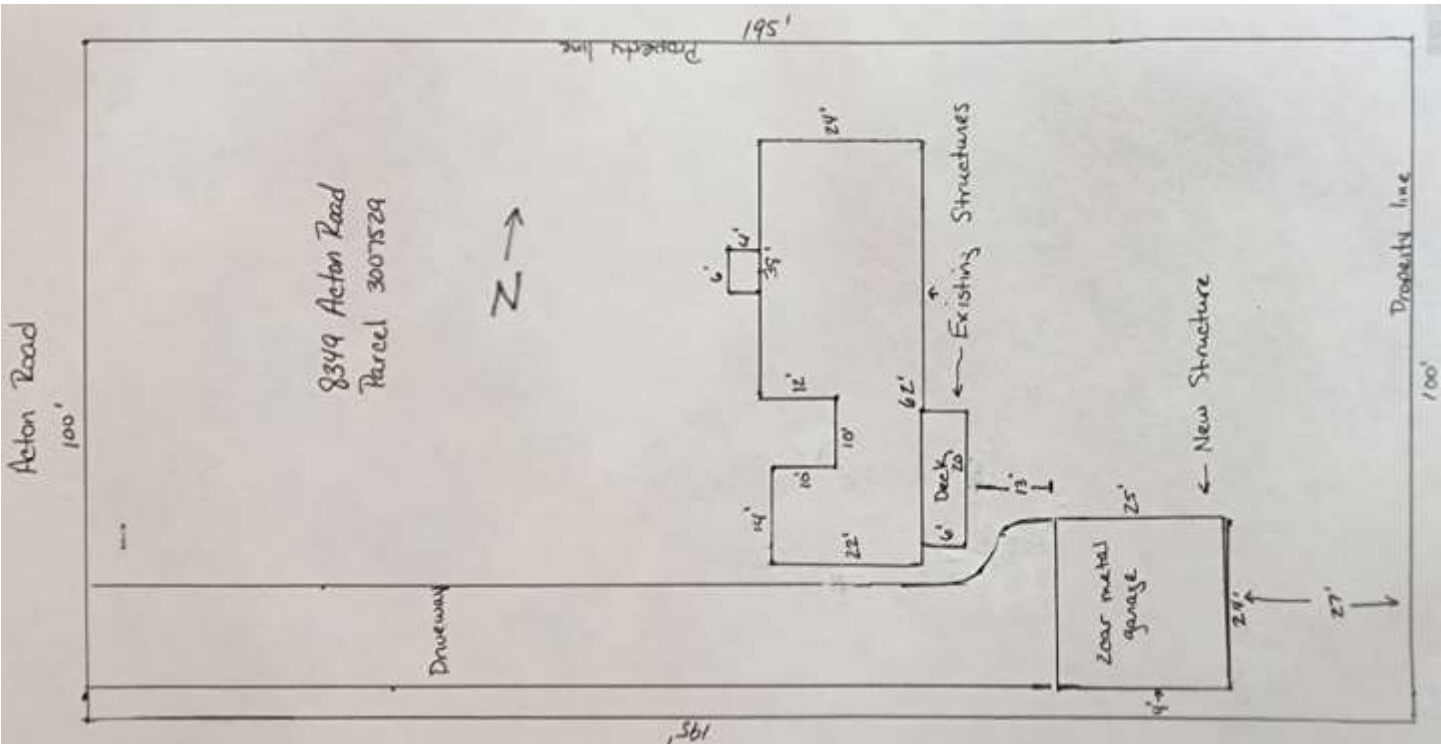
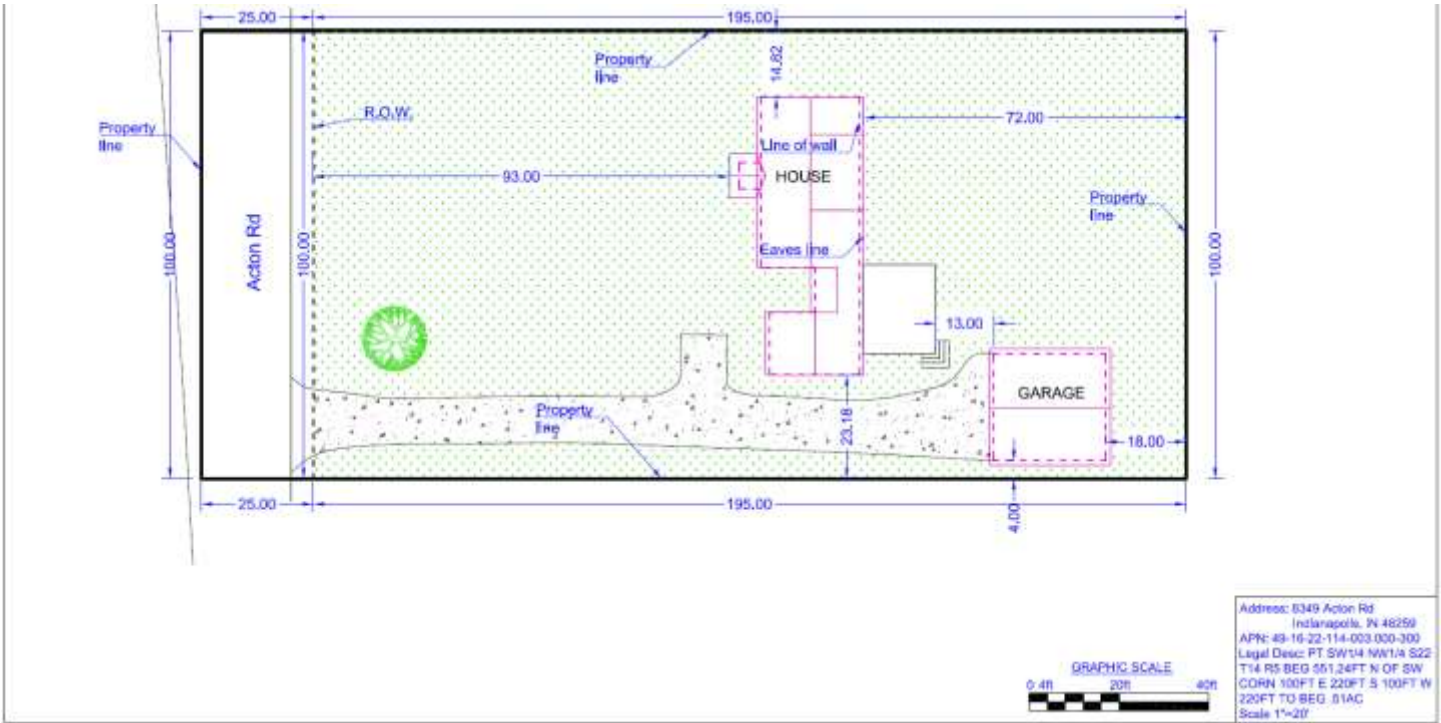
2023-DV1-029; Location Map



2023-DV1-029; Aerial Map



2023-DV1-029; Site Plan



2023-DV1-029; Photographs



Photo of the Subject Property: 8349 Acton Road



Photo of the four-foot south side setback of the garage.



Photo of the rear yard looking northeast.



Photo of the rear yard looking south.



Photo of the single-family dwellings west of the site.



Photo of the single-family dwellings north of the site.



Photo of the single-family dwelling south of the site.