

## STAFF REPORT

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

**Case Number:** 2023-UV1-015  
**Address:** 3449 Broadway Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** D-5  
**Petitioner:** Lourenzo Giple and Angie Boarman  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage and secondary dwelling unit (secondary dwelling unit must be detached) with vehicular access from Fairfield Avenue (exclusive alley access required) and provide for the future addition and conversion to a two-family dwelling with a pierced shared wall, with a five-foot rear yard setback and being the third dwelling unit (not permitted, 20-foot rear yard setback required), resulting in an open space of 52% (60% open space required), per plans filed.

### **RECOMMENDATIONS**

Staff **recommends approval** of the request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-5	Compact	Single-family Dwelling
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##### **SURROUNDING ZONING AND LAND USE**

North	D-5	Single-family dwellings and undeveloped lots
South	D-5	Single and Two-family dwellings
East	C-3	Undeveloped lots
West	D-5	Single-family Dwellings

##### **COMPREHENSIVE PLAN**

The Comprehensive Plan recommends residential development with a density of 5-8 units per acre.

- ◇ This .21-acre lot, zoned D-5, is currently improved with a single-family dwelling. To the north of the subject site are single-family dwellings and an undeveloped lot, within the D-4 District. East of the subject site are undeveloped lots within the C-3 District. South of the subject site are single and two-family dwellings within the D-5 District. To the west are single-family dwellings within the D-5 District.

(Continued)

## **STAFF REPORT 2023-UV1-015 (Continued)**

- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan recommends residential development, with a density of 5-8 units per acre.
- ◇ The D-5 District is one of five Walkable Neighborhood Dwelling Districts of the Ordinance that are intended to promote the Livability Principals of the code. These districts strive to promote walkable, compact neighborhoods with well-connected street and pedestrian networks and emphasis an increase of residential density through flexible permitted uses dependent on lot size and area. The D-5 District is intended for large and medium lots to provide for detached housing and small-scale multi-family development for infill development in urban areas.

### **VARIANCE**

- ◇ The request would allow for the construction of an attached garage and associated secondary dwelling unit, with vehicular access from Fairfield Avenue. The Ordinance requires that new construction comply with modern parking regulations, which require all lots that abut improved alleys to obtain exclusive vehicular access from that alley. In the Compact Context Area, secondary dwellings must be detached.
- ◇ The request would also allow for the construction of a future primary dwelling unit attached to the eastern elevation of the proposed garage. This proposed dwelling would be integrated with the existing garage and is intended to be subject to future transfer of ownership through the filing of a plat petition. This structure would have a deficient rear yard setback and create an overall open space of 52%.
- ◇ As proposed, the Ordinance does not contemplate this housing format as a defined use. The definition for attached single-family dwellings and duplexes each require that the units be separated by an unpierced wall or ceiling. The proposed garage would be integrated with both dwelling units, effectively prohibiting its construction by-right.
- ◇ This site abuts Critical Area Six of the Mapleton Fall Creek Neighborhood Land Use Plan, which includes lots at the intersection of Fairfield Avenue and College Avenue. This area has been identified as a historic commercial node where several lots are currently undeveloped and intended to be preserved for future community commercial uses. Recommendations for this critical area specifically include promoting architectural diversity and preserving adjacent residential uses along each thoroughfare to prevent commercial creep into existing neighborhoods. Staff believes that supporting increased density near this intersection will promote the implementation of this plan recommendation by increasing the likelihood of commercial redevelopment.
- ◇ While these units are physically attached through the garage, the Ordinance specifically prohibits vehicle storage areas from being calculated as living area. In addition, the proposed secondary dwelling is required to be detached from the primary structure within the Compact Context Area.

(Continued)

## **STAFF REPORT 2023-UV1-015 (Continued)**

- ◇ While the proposed housing format isn't defined in the Ordinance, Staff would note that it believes it helps to promote the Livability Principles of the Ordinance, specifically by promoting equitable housing by introducing innovative formats for individuals and families of varying size.
- ◇ Given that the final request is intended to be subdivided, Staff believes it to be appropriate to view the request as a duplex. However, a new land use, being the Multi-Unit House, has been implemented with the adoption of the Walkable Neighborhood Districts as of November 2021. The subject site meets the requirements for this use, which allows for a house to contain up to four individual dwelling units within it. In addition, this use allows for an open space of 40%. Given that the total project will feature three dwelling units, Staff believes the request to be in alignment with the intent of the Walkable Neighborhood Districts and a minor deviation from the Zoning Ordinance.
- ◇ There is an existing curb cut roughly at the midpoint of the lot along Fairfield Avenue. The Ordinance requires that all lots that abut an improved alley and construct a garage maintain exclusive access from the alley. This is intended to prevent, and eliminate as redevelopment occurs, unnecessary curb cuts throughout the city in order to improve pedestrian connectivity and safety. However, given that a second primary dwelling is proposed along the eastern portion of the site, parallel to this existing alley, Staff believes the request to be appropriate as it also meets another goal of increasing density in the urban core. This future dwelling would be required to obtain exclusive vehicular access from the alley should an attached garage be constructed.
- ◇ The request would also legally establish an existing five-foot rear yard setback for the existing house and allow for an 11.3-foot rear setback for the proposed garage and a 16-foot setback for the future dwelling. The Ordinance requires a 20-foot rear yard setback for a duplex. Given that Fairfield Avenue is a diagonally oriented thoroughfare, lots that front upon it have a non-uniform depth which can complicate traditional building siting and orientation. In addition, Fairfield Avenue has an existing 60-foot-wide right-of-way, and is planned to be expanded to 78-foot wide. Allowing the proposed building to be closer to the rear lot line given this planned expansion is appropriate in order to minimize the potential for conflict when improving this future right-of-way.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

This portion of Fairfield Avenue is classified as a Primary Collector in the Official Thoroughfare Plan for Marion County, Indiana with an existing 60-foot right-of-way and proposed right-of-way of 78 feet.

This portion of Broadway Street is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 48 feet.

### **SITE PLAN**

File-dated June 12, 2023.

### **FINDINGS OF FACT**

File-dated June 27, 2023.

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**STAFF REPORT 2023-UV1-015 (Continued)**

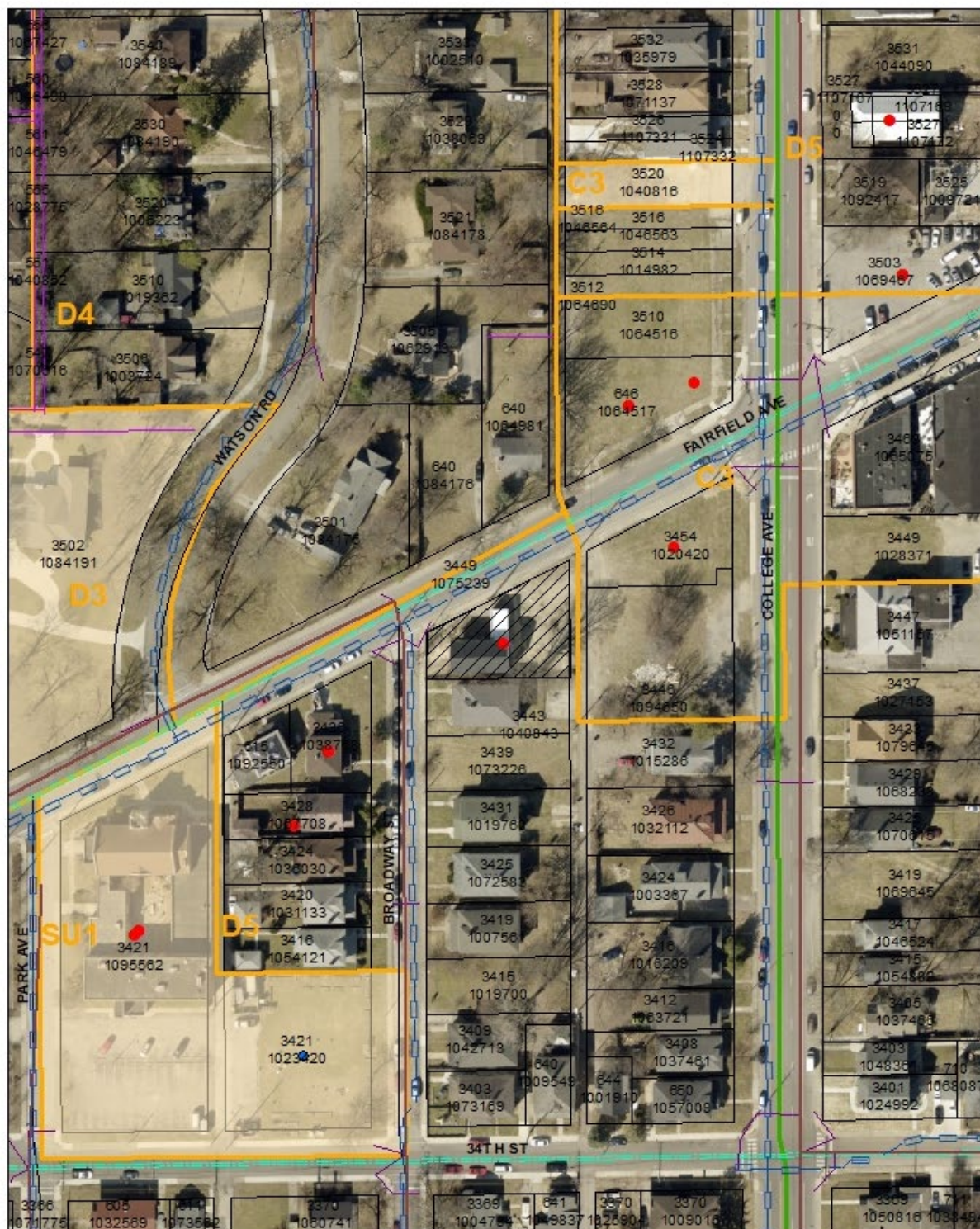
**ZONING HISTORY – SITE**

None.

EDH

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## 2023-UV1-015; Location Map



0.00501 0.02 0.03 0.04  
Miles



Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the variance will allow for the construction of a new garage and accessory dwelling that uses an existing curb cut along Fairfield Avenue to access the proposed structure instead of using the alley. The variance will not result in an increase in public expenditure nor unduly increase traffic congestion in the public streets.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the proposed structure will utilize an existing curb cut along Fairfield Avenue. The variance is a minimum variation that makes possible the reasonable use of land. The proposed use will not cause a nuisance, create an economic hardship, diminish, nor impair property values to the adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the proposed structure allows for the building of an additional structure on the property as dictated per the zoning. The current zoning is D5 and which allows for a duplex and the site previously featured a duplex structured. The owners plan to subdivide the parcel to build another attached structure on-site to complete the duplex and this variance request is the initial step in that process.

**DECISION**

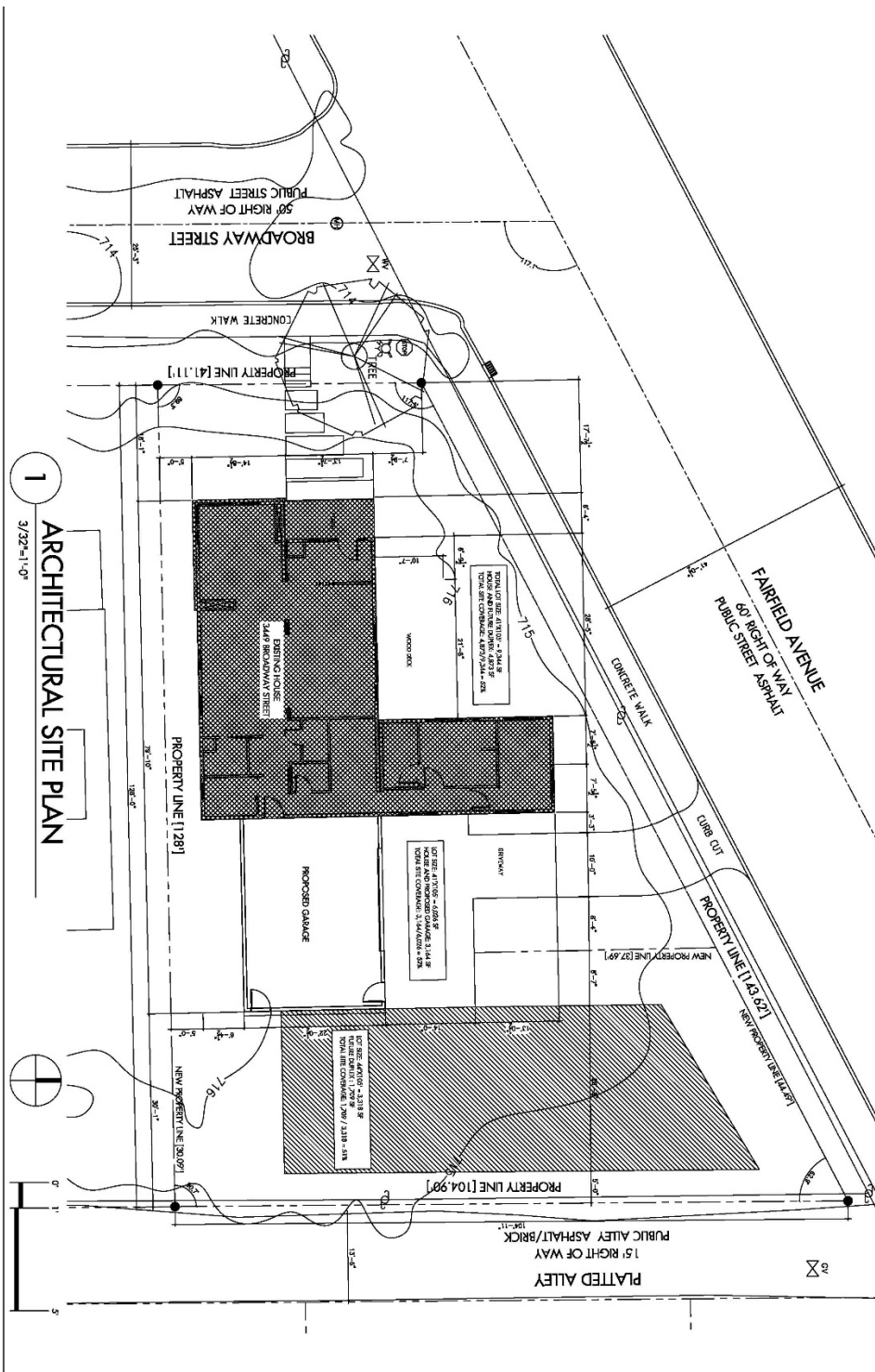
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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\_\_\_\_\_

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**2023-UV1-015; Photographs**



Photo One: Looking South along Broadway Avenue.



Photo Two: Looking North along Broadway Avenue.





Photo Three: Facing East along Fairfield Avenue.



Photo Four: Facing West along Fairfield Avenue.





Photo Five: Existing Single-Family Dwelling On Site.



Photo Six: Existing Rear Yard Setback.





Photo Seven: Area of Proposed Improvements On Site.



Photo Eight: Improved Alley with Subject Site in Background.