STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-042

Address: 5354 North Delaware Street (Approximate Address)

Location: Washington Township, Council District #7

Zoning: D-4 (MSPC)

Petitioner: Charles and Brenna Carroll, by Todd Williams

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide for the construction of an attached garage with a one-foot south side yard setback (four-foot side yard

setback required).

RECOMMENDATIONS

Staff recommends approval of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-4 Compact Single-family dwelling

SURROUNDING ZONING AND LAND USE

North D-4 Single-family dwelling South D-4 Single-family dwelling

East D-4 Single-family dwelling, two-family dwelling

West D-4 Single-family dwelling

COMPREHENSIVE LAND USE PLAN The Washington Township Comprehensive Plan

(2018) recommends Traditional Neighborhood.

♦ The subject site was platted in 1915 as a part of the Ambleside Addition. It sits on the southwest corner of Delaware Street and 54th Street. 54th Street curves as it passes the site, which creates an unusually shaped lot that is significantly narrower on the west end than the east end. The site is not served by an alley.

(Continued)

STAFF REPORT 2023-DV1-042 (Continued)

- ♦ Historic mapping and aerial photography indicate that the structure predates the mid-1950s and is quite possibly older than that. An aerial photograph from 1937 shows a structure on the site, but the photo is too blurry to determine if it is the existing structure. The Assessor's property card gives a build date of 1928 for both the house and garage.
- ♦ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the site. This land use typology is intended to provide for a variety of housing options including single-family dwellings.
- The subject site is within the jurisdictional area of the Meridian Street Preservation Commission. This State agency has the authority for prior approval of variance petitions within its jurisdiction. If the MSPC gives prior approval to a variance, the petition may proceed through the City's land use petition process. However, the MSPC's prior approval does not obligate the Board of Zoning Appeals to approve a petition.
- ♦ This request was heard by the MSPC on July 18, 2023 and was given prior approval.

VARIANCE OF DEVELOPMENT STANDARDS

- ♦ The petition seeks a variance to provide for the construction of an attached garage with a one-foot south side yard setback, where the Ordinance requires a four-foot side yard setback. The existing garage was constructed with a one-foot side setback.
- Among the reasons that the Ordinance regulates setbacks is to provide adequate space around buildings for air movement, drainage, and maintenance space without trespassing onto the neighbor's property.
- The petitioner is interested in building a workshop addition onto the existing garage. The addition would meet the standards of the Ordinance. However, it was discovered that over time the structure of the garage had deteriorated to the point that it could fail. Total demolition and rebuilding is warranted. However, demolition of the existing garage would remove any legal non-conforming status that the garage might have, so a variance is required to replace the garage on its existing footprint, as is proposed by the petitioner.
- An Ordinance-compliant location for a garage would be difficult on this site given its unusual shape. Moving the garage to the north to a point where it would be compliant would shorten the driveway to the extent that a vehicle parked in the driveway would be partially in the right-of-way and possibly obstructing the public sidewalk. The existing garage is modest in size, so reducing its footprint would render it impractical.

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STAFF REPORT 2023-DV1-042 (Continued)

Staff takes the setback provisions of the Ordinance seriously, and if this was a completely clear site and a new build, staff would be unlikely to recommend approval of a one-foot side setback. However, given the positioning of the existing dwelling, the development history of the site, and the unusual shape and narrow width of the site, staff believes the deviation from the Ordinance is warranted and is recommending approval of the variance.

GENERAL INFORMATION

THOROUGHFARE PLAN Delaware Street is classified in the Official

Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-foot existing right-of-way and a

48-foot proposed right-of-way.

54th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot

proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE This site is not located within a floodway or floodway

fringe.

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection

district.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2013-HOV-055; **5332 North Delaware Street (south of site)**, requested a variance of development standards to provide for a garage with a 3.5-foot rear setback, **approved**.

2004-HOV-027; **5353 North Delaware Street (east of site),** requested a variance of development standards to provide for an accessory structure with a two-foot rear setback and a two-foot side setback, **approved.**

klh		

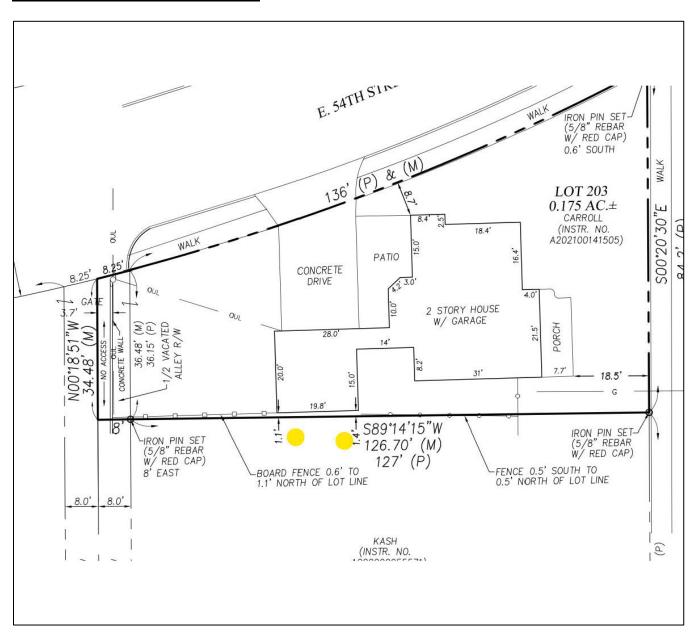
STAFF REPORT 2023-DV1-042, Location



STAFF REPORT 2023-DV1-042, Aerial photograph (2022)



2023-DV1-042; Existing Site Plan



Adopted this

			retition Number	
		AN DEVELOPMEN IEARING EXAMIN		
MET		RD OF ZONING A ARION COUNTY, II	PPEALS, Division NDIANA	
PE	TITION FOR VARI	ANCE OF DEVELO	OPMENT STANDARDS	
		FINDINGS OF FAC	ा	
community because:		· · · · ·	r, morals, and general welfare of	
a substantially advers Garage will be reconstru	se manner because ucted in exact existing	: location. The original b	luded in the variance will not be brick will be salvaged as much as pos trage will be 5' off the property line ar	ssible and reused.
		installed diverting the	water away from the neighbors and t	he use will
use of the property be	ecause:		e will result in practical difficultion to the driveway making the driveway	
		DECISION		
		DECISION		
IT IS THEREFORE th	e decision of this b	ody that this VARIA	ANCE petition is APPROVED.	
Adopted this	day of	. 20		

2023-DV1-042; Photographs



Looking west across Delaware Street at the subject site.



Looking west along the south property line of the subject site showing the existing south setback.



Looking southwest along the curve of 54th Street.



Looking south across 54th Street at the site.



Looking southeast across the site from its northwest corner.



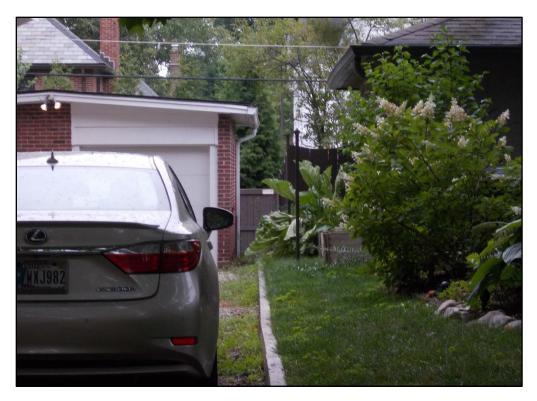
Looking north across 54th Street from the subject site at the neighbors to the north.



Nearby setbacks along an alley.



Looking southeast at the neighbor to the east.



Nearby side yard setback.