

## STAFF REPORT

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

**Case Number:** 2023-UV3-008  
**Address:** 5718 Roxbury Court (approximate address)  
**Location:** Lawrence Township, Council District #13  
**Zoning:** D-2  
**Petitioner:** John & Elizabeth Sandvig, by Steven Sandvig  
**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached second primary dwelling (not permitted) with a 21.9-foot rear yard setback and the extension of an existing driveway with a zero-foot west side yard setback (25-foot rear yard setback, seven-foot side yard setbacks required).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

#### **LAND USE**

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

Metro	D-2	Residential (Single-family dwelling)
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##### **SURROUNDING ZONING AND LAND USE**

North	D-2	Residential (Single-family dwelling)
South	D-2	Residential (Single-family dwelling)
East	D-2	Residential (Single-family dwelling)
West	D-2	Residential (Single-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 0-1.75 dwelling units per acre.
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#### **VARIANCE OF USE**

- ◇ The request for a second primary dwelling would not be for a standalone dwelling structure. Instead, it would be for an addition to the primary dwelling to allow for an in-law's quarters. Since the addition would exceed the standards for a secondary accessory dwelling, it would be considered a second primary dwelling by definition.

(Continued)

## **STAFF REPORT 2023-UV3-008 (Continued)**

- ◇ The addition was also defined as a second primary dwelling due to the submitted floor plans not showing an interior connection to the primary dwelling. However, it is believed that the addition would have a connecting interior door to classify it as an addition, and in that case, this use variance would not be needed. If there is no interior connection, the addition would still have minimal impact on surrounding properties in Staff's opinion, as it would be to the rear of the primary dwelling, would be similar to the existing dwelling elevations, and would not detract from the residential nature or setting of the surrounding neighborhood.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ 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 property would require a 25-foot rear setback. As proposed, the addition to the primary dwelling would have a 21.9-foot rear setback. This setback reduction would be for two corners of the addition, and not the entire addition itself.
- ◇ Staff considered the various topography changes of the site and adjacent landscaping screening to determine that the proposed setback reduction would not have any negative impact on any adjacent properties.
- ◇ The existing driveway was constructed with a legally non-conforming zero-foot west side yard setback. The request to extend it to the 21.9-foot setback, would require a variance of development standards for the extension. As the driveway has existed with the reduced side setback for some time without any negative impact, in Staff's opinion, the proposed driveway extension would not have any negative impact either.

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of Roxbury Court is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.
SITE PLAN	File-dated June 19, 2023.
ELEVATIONS	File-dated June 19, 2023.
FINDINGS OF FACT	File-dated March 1, 2023.

### **ZONING HISTORY**

**1981-DVS-45; 5228 Brendonridge Road (east of site)**, requested a variance of development standards to permit the construction of an addition to the existing single-family dwelling to feature a two-car garage and enclosed swimming pool, **granted**.

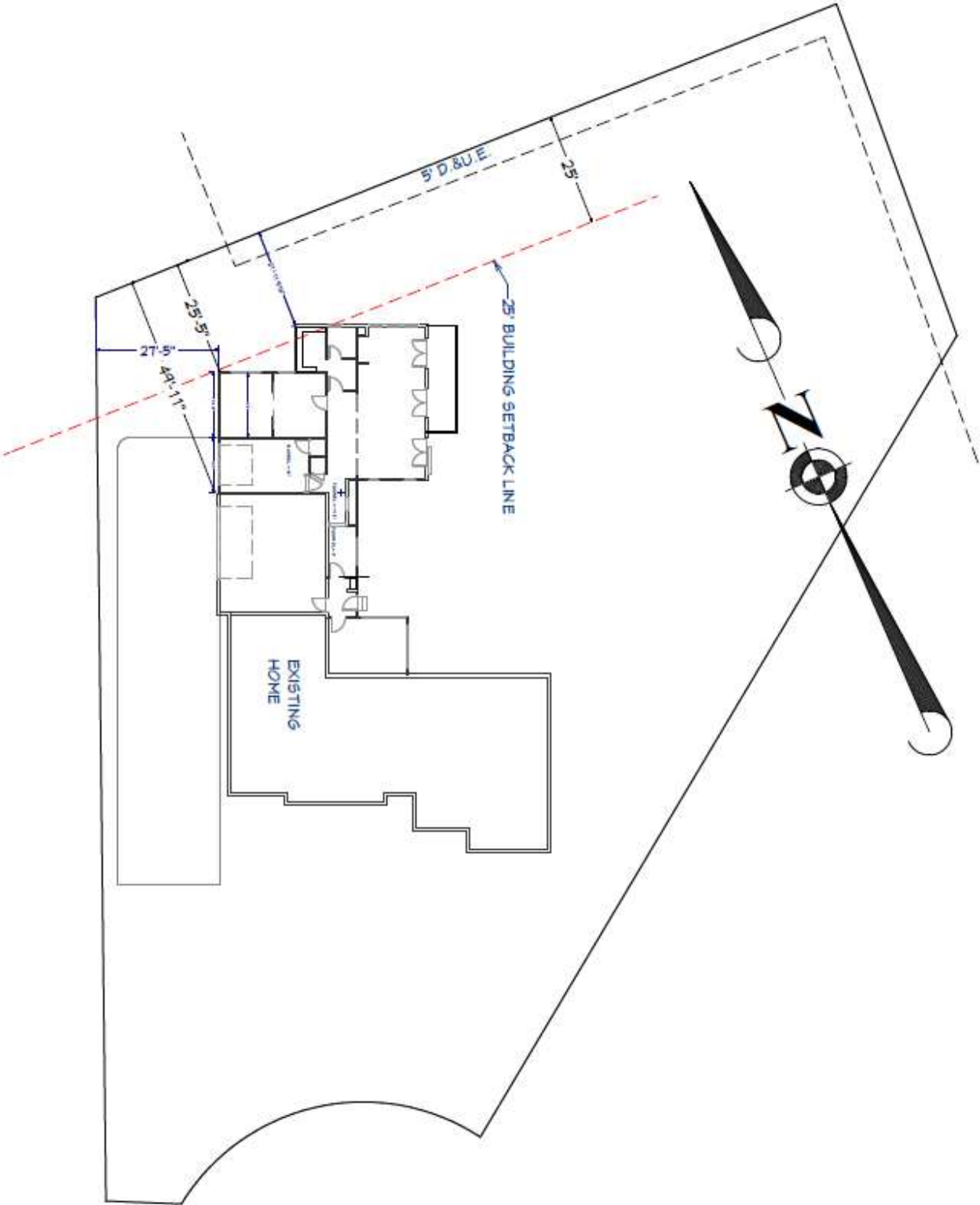
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**2023-UV3-008; Location Map**

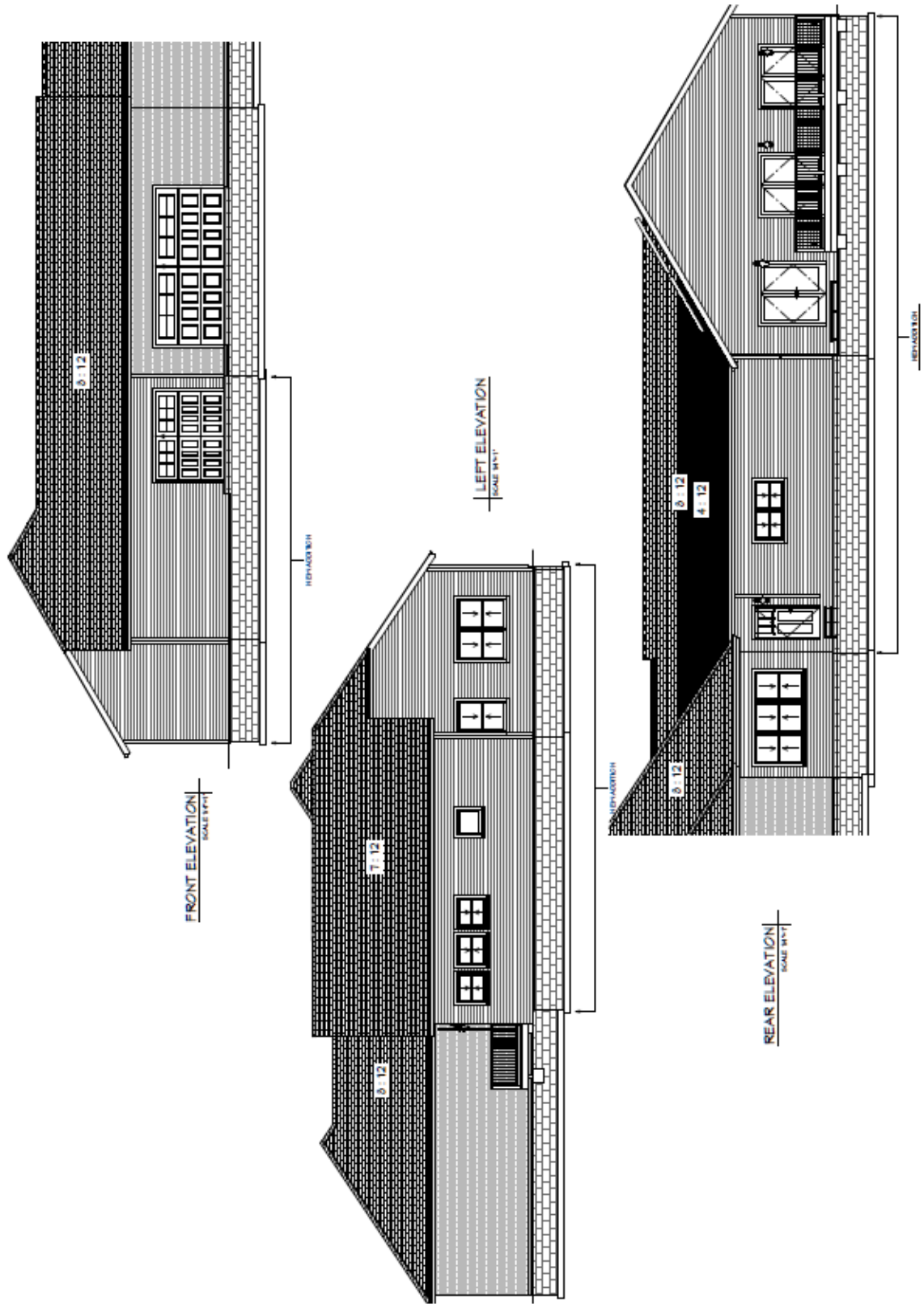


2023-UV3-008; Site Plan





2023-UV3-008; Elevations



**2023-UV3-008; Photographs**



Subject site looking north



Subject site proposed addition area, looking west.





Existing driveway with zero-foot west side setback to be extended north with addition, looking north



Subject site rear setback line.



Adjacent property to the west, looking north.



Adjacent property to the southeast, looking east