

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2024-CVR-800 / 2024-CPL-800
Address: 429 North Post Road (Approximate Address)
Location: Warren Township, Council District #14
Petitioner: In and Out Unlimited, LLC, by Jamilah Mintze
Zoning: D-3 (FW) (FF)
Requests: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a new single-family residential lot with a 60-foot lot width (70 feet required).

Approval of a Subdivision Plat, to be known as Donn's Pass, a replat of Part of Lots 6 & 7 in Easton Addition, dividing 0.93 acre into two lots.

RECOMMENDATIONS

The petitioner submitted a request to **withdraw the variance request**, which would require acknowledgment by the Hearing Examiner.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 24, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.

(Continued)

STAFF REPORT 2024-CVR-800 / 2024-CPL-800

10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The 0.92-acre subject site is zoned D-3 and consists of a single-family dwelling, detached garage, and accessory structure.
- ◇ This petition would subdivide the property into two lots.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would have provided for a new single-family residential lot with a 60-foot lot width where 70 feet was required.
- ◇ There was concern that a setback variance would have been required, but an amended site plan was submitted that confirmed the required six-foot north side setback of Lot 2 would be met.
- ◇ Staff determined that there was no practical difficulty with the site to warrant a reduced lot width since there was sufficient land to allow the southern parcel, Lot 2, to have the 70-foot lot width required in the D-3 district.
- ◇ The petitioner submitted an amended preliminary plat that shows the 70-foot lot width will be met. A written statement was provided to staff to formally request the withdrawal of this variance request.

PLAT

- ◇ The plat would subdivide the subject site into two lots to be known as Donn's Pass. The proposed plat meets the standards of the D-3 zoning classifications as proposed in the request.

TRAFFIC / STREETS

- ◇ The proposed lots would front on Post Road and would not have alley access. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks exist along Post Road.

(Continued)

STAFF REPORT 2024-CVR-800 / 2024-CPL-800

Staff Analysis

- ◇ Staff is supportive of the subdivision plat because the D-3 district standards would be met per lot and it would allow for additional residential development in this residential area.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3	Metro	Residential (Single-family dwelling)
-----	-------	--------------------------------------

SURROUNDING ZONING AND LAND USE

North	D-3	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwelling)
East	D-3	Residential (Single-family dwelling)
West	D-3	Residential (Single-family dwellings)

COMPREHENSIVE LAND USE PLAN Light Industrial

THOROUGHFARE PLAN Post Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 95 -foot existing and a 112 -foot proposed right-of-way.

FLOODWAY/FLOODWAY FRINGE The eastern portion of this site within the 100 and 500-year floodplain of a Morris Stream ditch.

OVERLAY This site is located within an environmentally sensitive overlay, specifically the floodway fringe and floodway.

OVERLAY This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line, but does not fall within the secondary district.

SITE PLAN October 30, 2023.

AMENDED SITE PLAN January 13, 2024.

PRELIMINARY PLAT October 30, 2023.

AMENDED PRELIMINARY PLAT January 24, 2024.

ELEVATIONS October 30, 2023.

FLOOR PLANS October 30, 2023.

FINDINGS OF FACT November 27, 2023.

ZONING HISTORY – SITE

VIOLATIONS: None.

(Continued)

STAFF REPORT 2024-CVR-800 / 2024-CPL-800

ZONING HISTORY – VICINITY

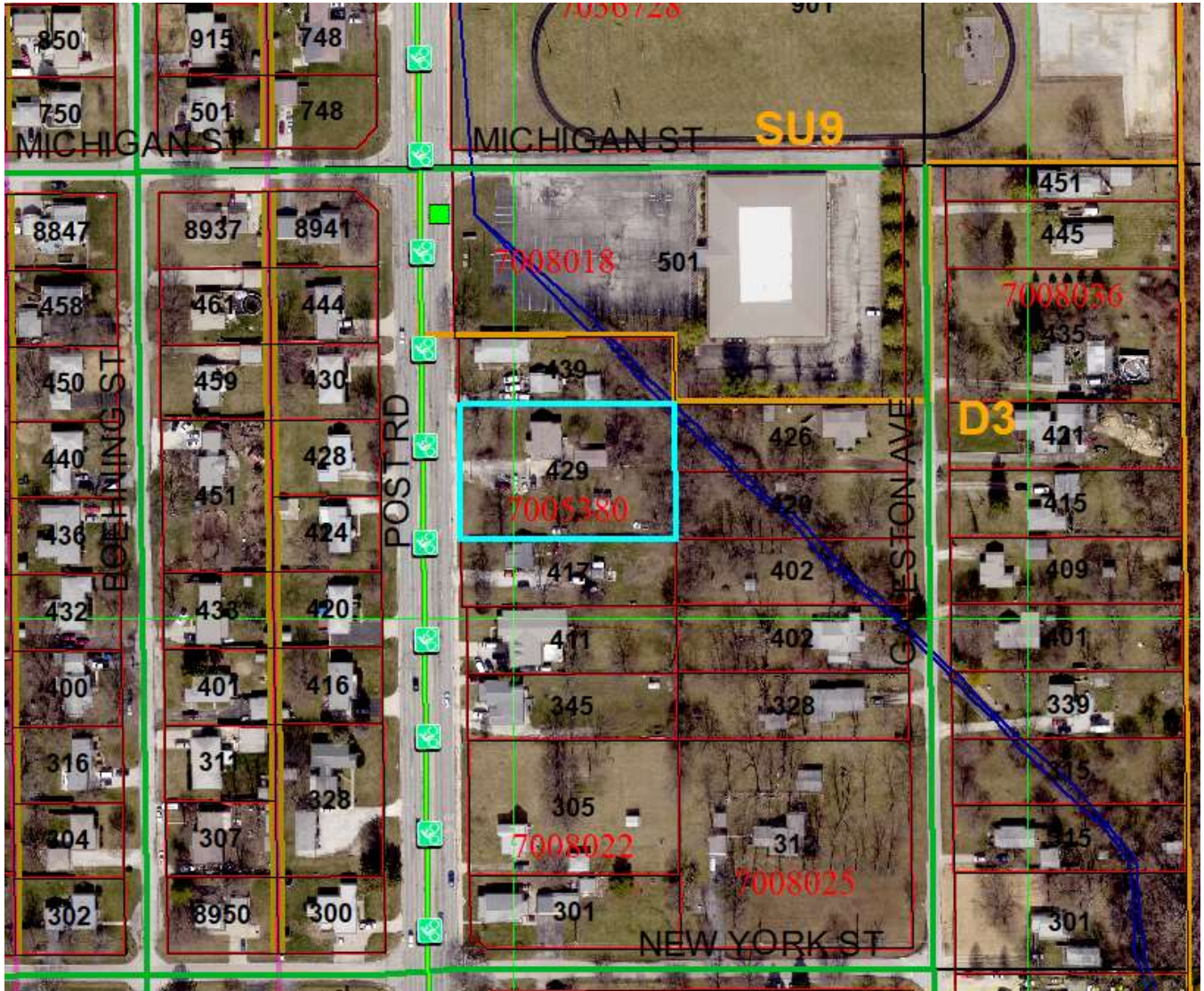
2008-UV3-015; 189 North Post Road (south of site), Variance of Use and Development Standards of the Dwelling District Zoning Ordinance to: a) provide for an office use (not permitted) in an existing single-family dwelling, b) legally establish a two-story, 1,772-square foot single-family dwelling with a 19.53-foot front setback from the proposed (existing) right-of-way of New York Street (minimum 25-foot front setback required) and a 22.36-foot front setback from the proposed right-of-way of North Post Road (minimum 40-foot front setback required), c) legally establish a 624-square foot detached garage with a 0.9-foot front setback from the proposed (existing) right-of-way of New York Street (minimum 25-foot front setback required), being located in front of the established front building line along New York Street (not permitted), d) legally establish a four-foot tall chain link fence within the required 25-foot front yard along New York Street (maximum 3.5-foot tall fence permitted), e) legally establish a four-foot tall decorative fence within the right-of-way of New York Street (not permitted), and f) provide for a four-space parking area with maneuvering area within the public right-of-way (not permitted), and with a zero-foot front setback from the right-of-way of New York Street (minimum 25-foot front setback required), **denied**.

2003-SE1-005; 445 North Galeston Avenue (northeast of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,802 square-foot manufactured home, **granted**.

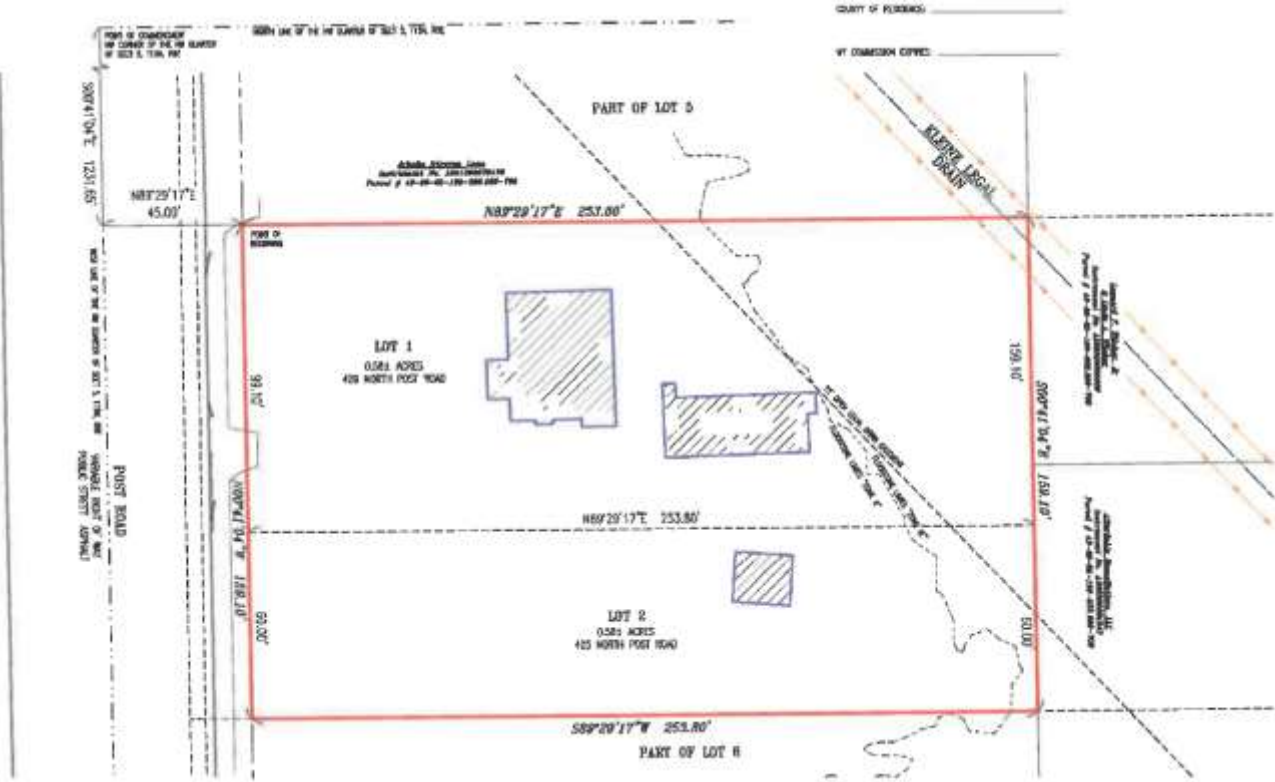
95-V3-29; 8837 East Michigan Street (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a privacy fence exceeding 42 inches in height within the front yard along Boehning Avenue (maximum 42 inches in height permitted, for an existing single-family corner lot), **denied**.

82-Z-58; 901 Post Road (north of site), Rezoning of 32.00 acres, being in D-3 and SU-2 classification, to the SU-9 classification to permit the use of the school by various governmental agencies, **approved**.

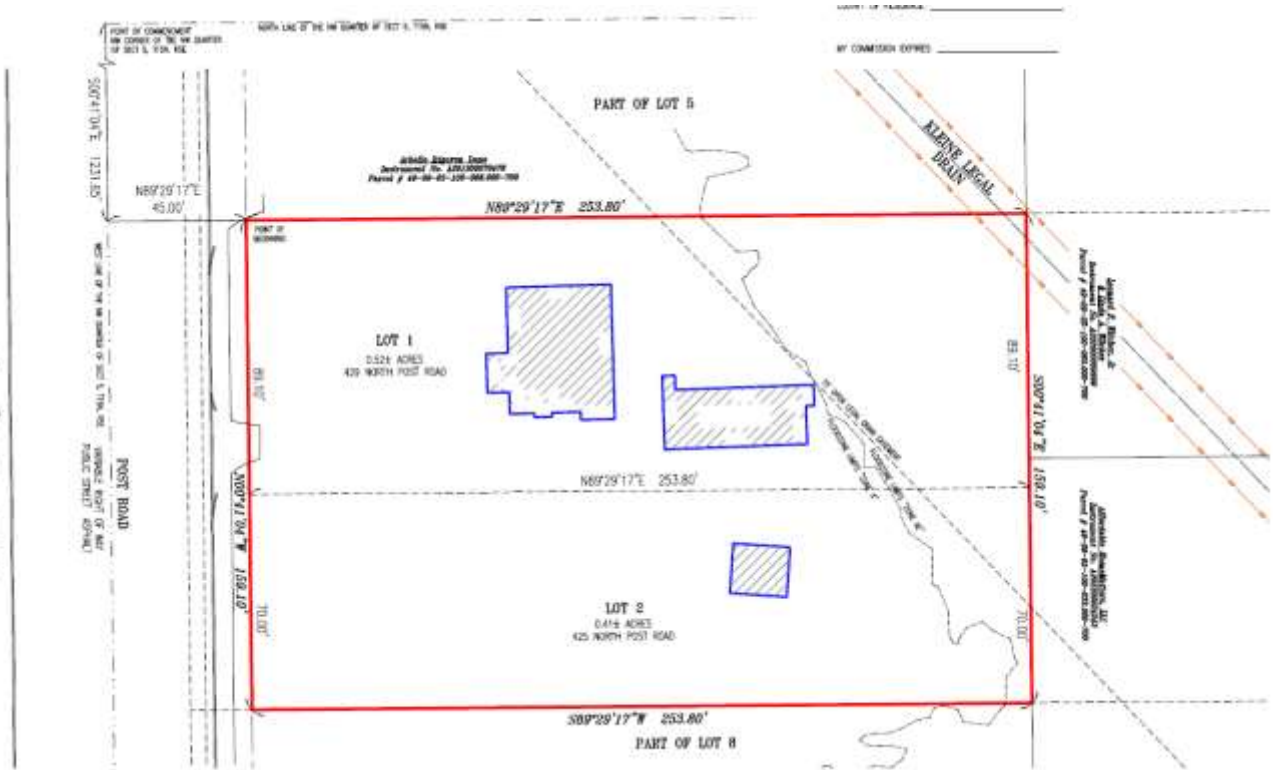
2024-CVR-800 / 2024-CPL-800; Aerial Map



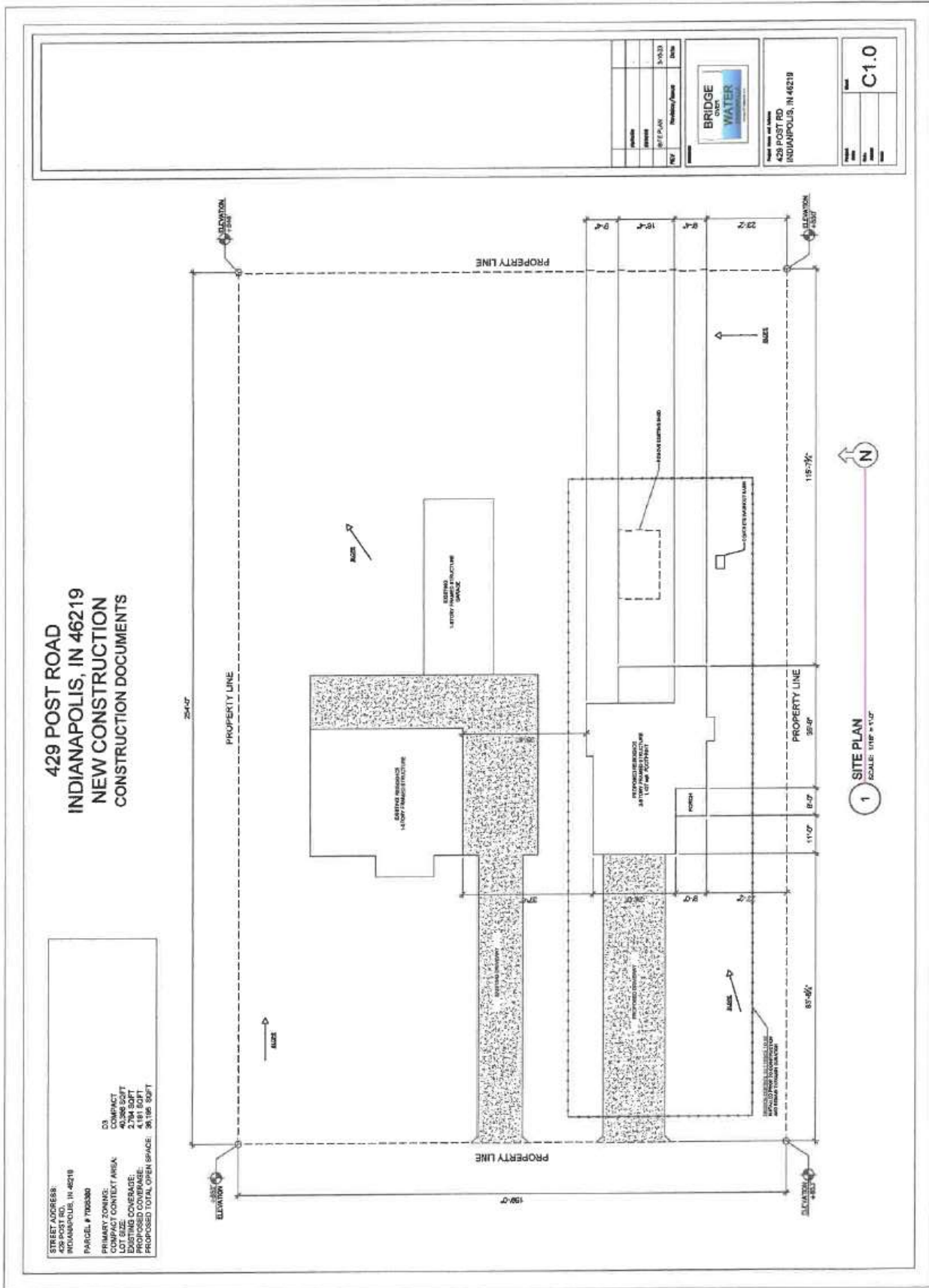
2024-CVR-800 / 2024-CPL-800; Preliminary Plat



2024-CVR-800 / 2024-CPL-800; Amended Preliminary Plat



2024-CVR-800 / 2024-CPL-800; Site Plan



2024-CVR-800 / 2024-CPL-800; Rendering



2024-CVR-800 / 2024-CPL-800; Elevations



FRONT ELEVATION

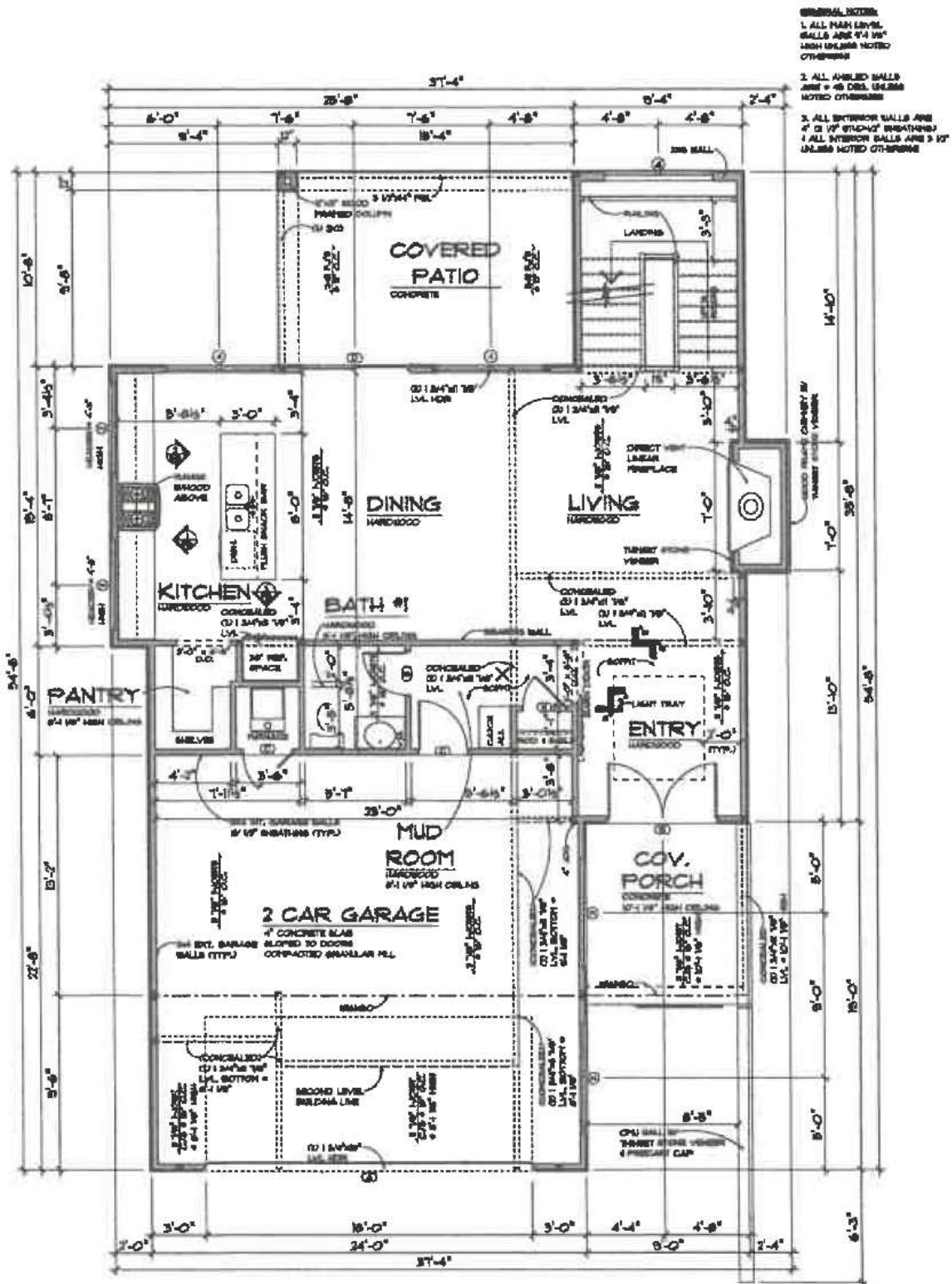
SCALE 1/4" = 1'-0"



REAR ELEVATION

SCALE 1/4" = 1'-0"

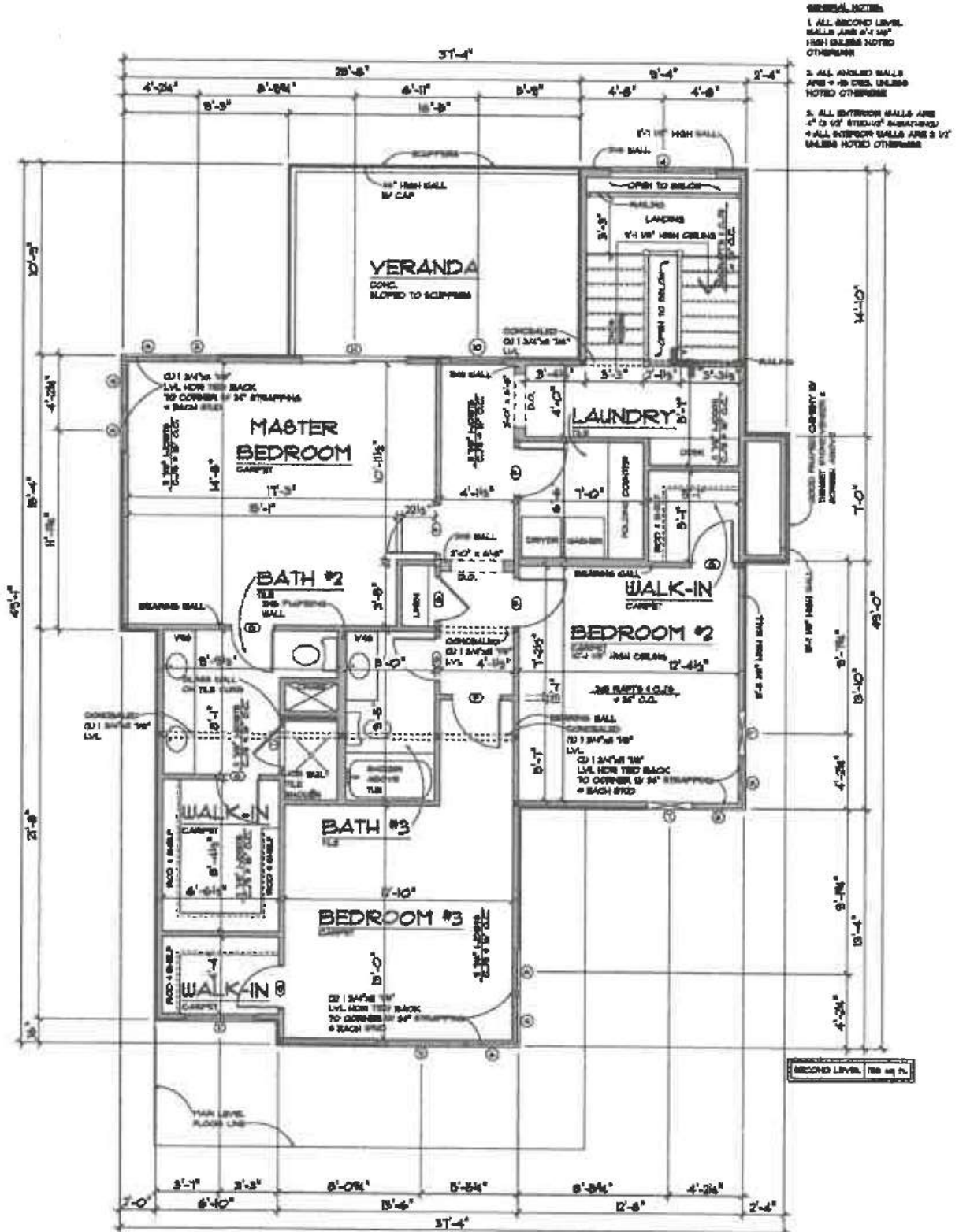
2024-CVR-800 / 2024-CPL-800; First Floor Plan



MAIN LEVEL FLOOR PLAN

SCALE 1/4" = 1'-0"

2024-CVR-800 / 2024-CPL-800; Second Floor Plan



- GENERAL NOTES**
1. ALL SECOND LEVEL WALLS ARE 8" CBS. UNLESS NOTED OTHERWISE
 2. ALL ANGLE WALLS ARE 8" CBS. UNLESS NOTED OTHERWISE
 3. ALL EXTERIOR WALLS ARE 4" CS STUCCO FINISHING
 4. ALL INTERIOR WALLS ARE 2 1/2" GYPSUM UNLESS NOTED OTHERWISE

SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

2024-CVR-800 / 2024-CPL-800; Findings of Fact

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:

This property has adequate spacing to allow for construction of a new single family residence. The request is
within reason of the lot width required, versus what is proposed.

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 property has been surveyed, all areas are outlined and considered within this request. This petition
has been well thought out, proposing a new project that is reducing lot width by 10feet seems more in
alignment with the aesthetics of the existing neighborhood.

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 petition being approved will be a favorable decision, this will allow the property to be developed versus it
being a larger single family parcel, the proposed new structure will provide a up to date look to the area.

2024-CVR-800 / 2024-CPL-800; Site Photos



Proposed Lot 1, looking east.



Existing detached garage on Lot 1.



Proposed Lot 2, looking east.



Existing accessory structure on Lot 2.



Single-family dwelling north of the site and existing sidewalk.



Single-family dwelling south of the site.



Single-family dwellings to the west across Post Road.