

# STAFF REPORT

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

**Case Number:** 2023-DV2-034  
**Address:** 1949 Alvord Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-8  
**Petitioner:** Kathryn Ramseyer, by Melissa Iannucci  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a front building line of 26 feet (maximum 19.9-foot front building line permitted) and a detached garage with four-foot side yard setbacks (five-foot side yard setbacks required).

### January 9, 2024

This petition was continued for cause at the request of the petitioner from the December 12, 2023 hearing to the January 9, 2024 hearing to allow for discussion with remonstrators. No new information has been provided.

### December 12, 2023

### RECOMMENDATIONS

Staff **recommends approval** of the request to provide for construction of a single-family dwelling with a front building line of 26 feet.

Staff **recommends denial** of the request to provide for construction of a detached garage with four-foot side setbacks.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

D-8	Compact	Single-Family residential
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##### SURROUNDING ZONING AND LAND USE

North	D-8	Single-Family residential
South	D-8	Single-Family residential
East	D-8	Single-Family residential
West	D-8	Undeveloped (Townhomes proposed)

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development

- ◇ The subject site is a 5,600-square foot lot with a 40-foot lot width. A single-family dwelling is under construction at this site. This site is within the Monon and 16<sup>th</sup> Redevelopment Area in the Martindale-Brightwood neighborhood.

(Continued)

## **STAFF REPORT 2023-DV2-034 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a single-family dwelling with a 26-foot front building line where a maximum of 19.9 feet is permitted, and a detached garage with four-foot side yard setbacks where a five-foot setback is required.
- ◇ The frontage standards in Sec. 744-701 for the walkable neighborhood districts are either terrace or neighborhood frontages. The terrace frontage typically applies to the D-8 district, but the neighborhood frontage may apply where the context of the block establishes larger frontages as the predominant pattern (more than 50 percent of properties). The terrace frontage requires a 10 to 19.9-foot front setback, and the neighborhood frontage requires a 20 to 50-foot front setback. The front building line is determined by the exterior wall closest to the front property line.
- ◇ A permit was issued for this site based on the neighborhood frontage requirement as established by the adjacent properties; however, staff believes there is some ambiguity of interpretation based on the context of the block. Staff suggests that this variance should remain in the request to avoid any confusion for compliance, and staff is recommending approval of the increased front building line of 26 feet.
- ◇ The existing lot is 40 feet wide. The ordinance requires five-foot side setbacks, which would allow this property to construct a garage up to 30 feet wide. The proposed garage would be 32 feet wide and have three bays. The ordinance requires one off-street parking space per dwelling unit. Staff would suggest that the proposed garage width could be reduced, and it would still exceed the minimum parking requirements. Staff does not believe there is a practical difficulty in meeting the ordinance and is recommending denial for the reduced side yards.

### **GENERAL INFORMATION**

#### THOROUGHFARE PLAN

Alvord Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 62-foot existing and proposed right-of-way.

#### SITE PLAN

File-dated November 1, 2023

#### FINDINGS OF FACT

File-dated November 1, 2023

### **ZONING HISTORY – VICINITY**

**2023-PLT-096, 1902 and 1960 Alvord Street**, approval of a plat to be known as Alvord Street Townhomes, **approved**.

**2022-ZON-059 / 2022VAR004, 1902 Alvord Street**, rezoning of 1.38 acre from the MU-1 district to the D-8 district, variance to provide for a townhome development with lots ranging from 1,074 square feet to 1,091 square feet, with a 10-foot west rear setback, and with a main floor area ranging from 406 to 466 square feet, **approved**.

**2018CZN866 / 2018CPL866, 1932 Yandes Street**, rezoning of 1.04 acres from the D-8 and C-1 districts to the D-8 district, approval of a plat to be known as Yandes Homes Subdivision, **approved**.

**2011-ZON-077, 1902 Alvord Street**, rezoning of 2 acres from the I-3-U district to the C-2 district (MU-1), **approved**.

(Continued)

**STAFF REPORT 2023-DV2-034 (Continued)**

**2011-DV1-048, 1902 Alvord Street, variance to provide for deficient major livability space, approved.**

**2006-ZON-111, 1928, 1932, 1940, 1944, & 1946 Yandes Street, rezoning of 0.642 acre from the SU-1 district to the D-8 district, approved.**

**82-Z-105, 1930, 1934, & 1940 through 1960 Yandes Street, and 1955 through 1959 Alvord Street, rezoning of 1.29 acres from the D-8 and C-1 district to the SU-1 district, approved.**

**74-UV1-92, 1902 Alvord Street, requested a variance of use to provide for the outdoor storage and repair of wrecking equipment and an office, and a variance of development standards for a fence with excess height, denied.**

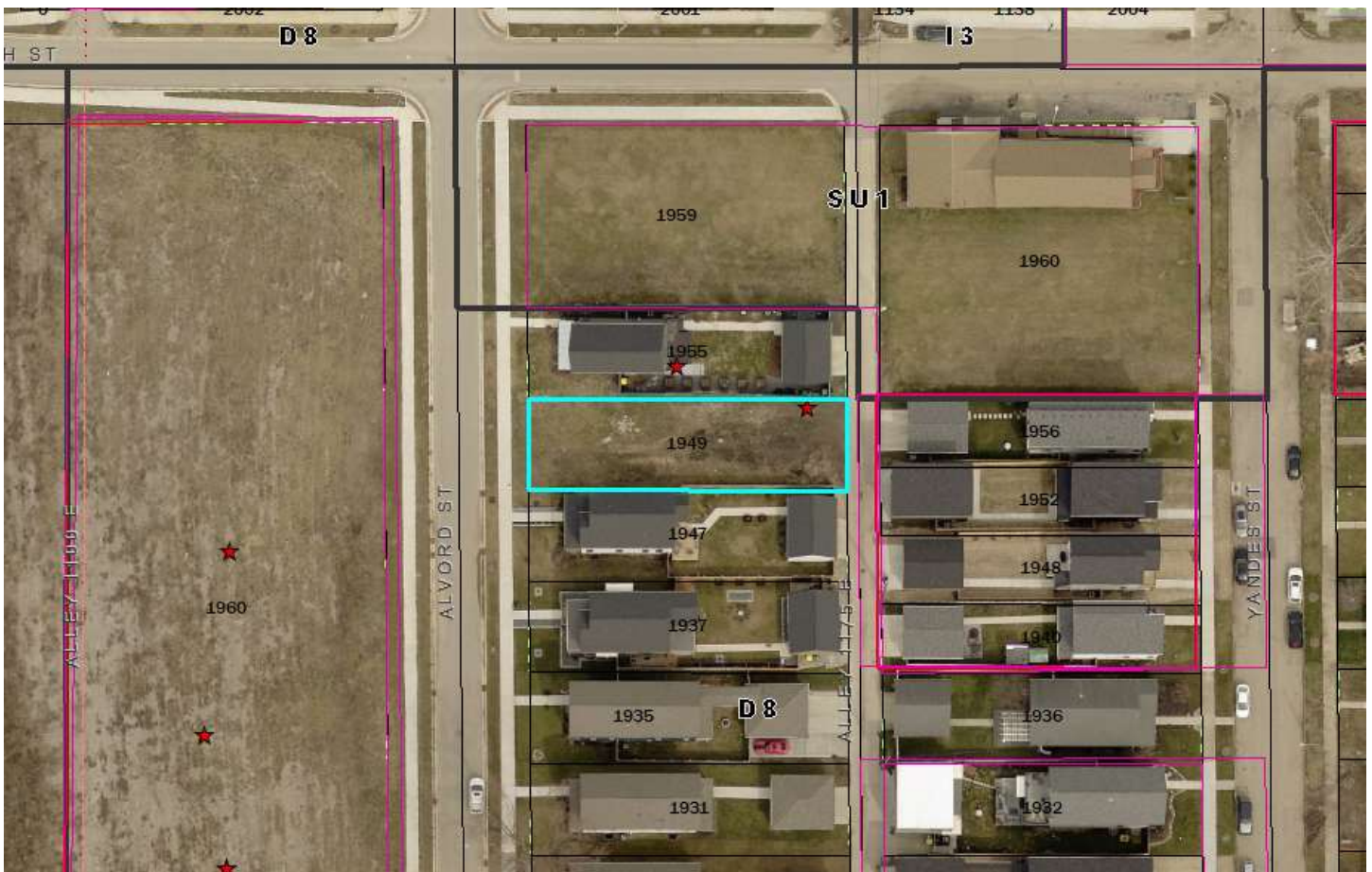
**73-UV2-64, 1902 Alvord Street, requested a variance of use to provide for the outdoor storage and repair of wrecking equipment and an office, and a variance of development standards for a fence with excess height, approved for a period of one year.**

**50-V-239, 1955 Alvord Street, variance to provide for a heat-treating business, dismissed.**

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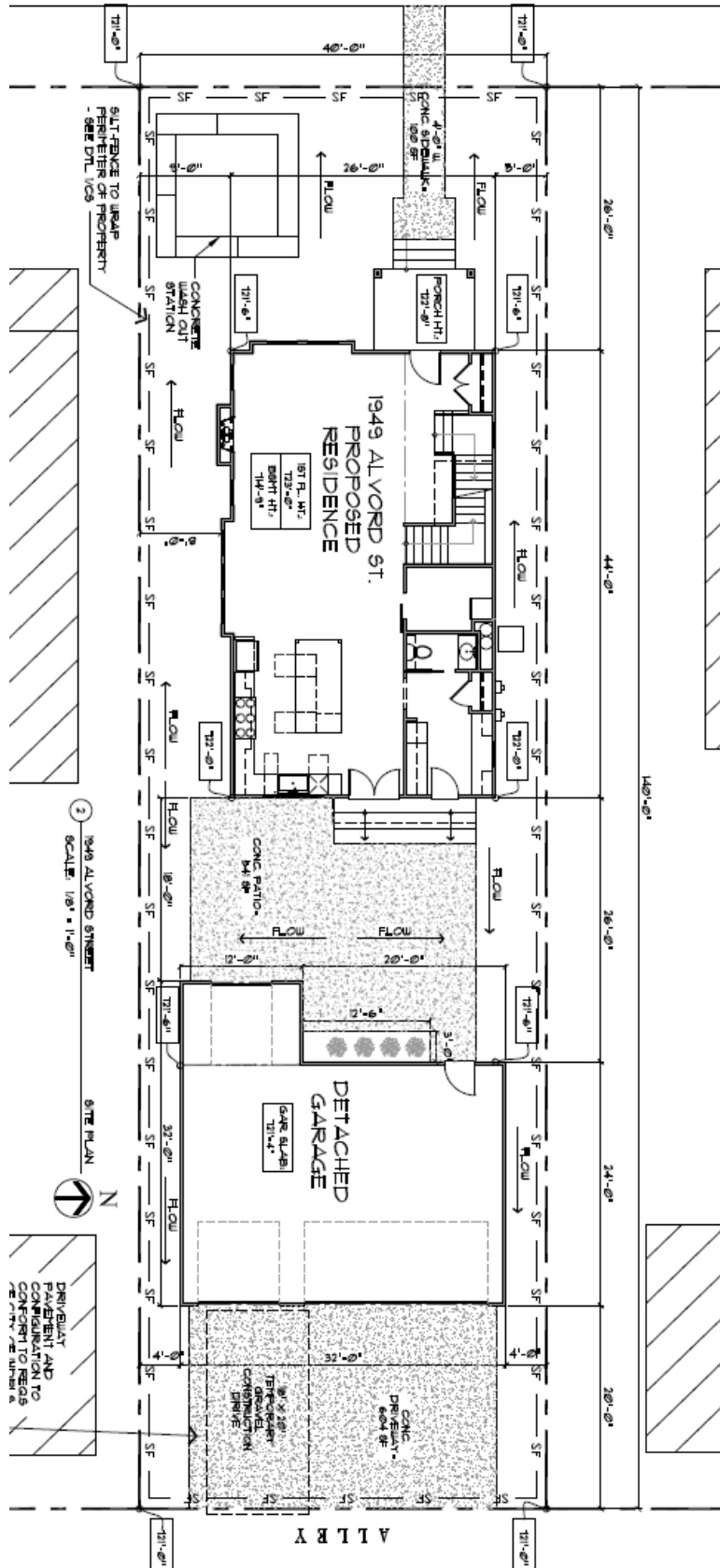
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**2023-DV2-034; Aerial Map**



**2023-DV2-034; Site Plan**

ALVORD STREET



ALLEY

**2023-DV2-034; Findings of Fact**

**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:

4'-0" setbacks are quite common in D8 zoning.

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- For lots of 5,000 sf or less, only a 3'-0" setback is required. This lot is only 5,600 sf.

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- In the historic districts of HMP and the ONS, a 4' setback on the garage is quite typical, even for lots larger than 5,600sf.

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- Until 2021, the standard side yard setback for D8 was 4'-0" so anything built prior to 2021 is likely to have a similar setback

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- Attached are some examples of 4' setbacks in the surrounding properties.

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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 adjacent garages on either side are not so close to the property as to cause any sort of access issues. Furthermore,

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4'-0" of clearance on 1949 Alvord, still allows for plenty of access on all sides of the garage. Finally, 4'-0" setbacks are

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a common occurrence in D8 zoning and even in the surrounding properties. Examples are attached and listed below.

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1. 2001 Alvord: Garage and attached deck to house are 4'-0" from the south lot line.

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2. 2005 Alvord: House bumpout @ stair is 4'-0" from the north lot line.

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3. 1932 Yandes: Carriage house is 4'-0" from the property line.

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

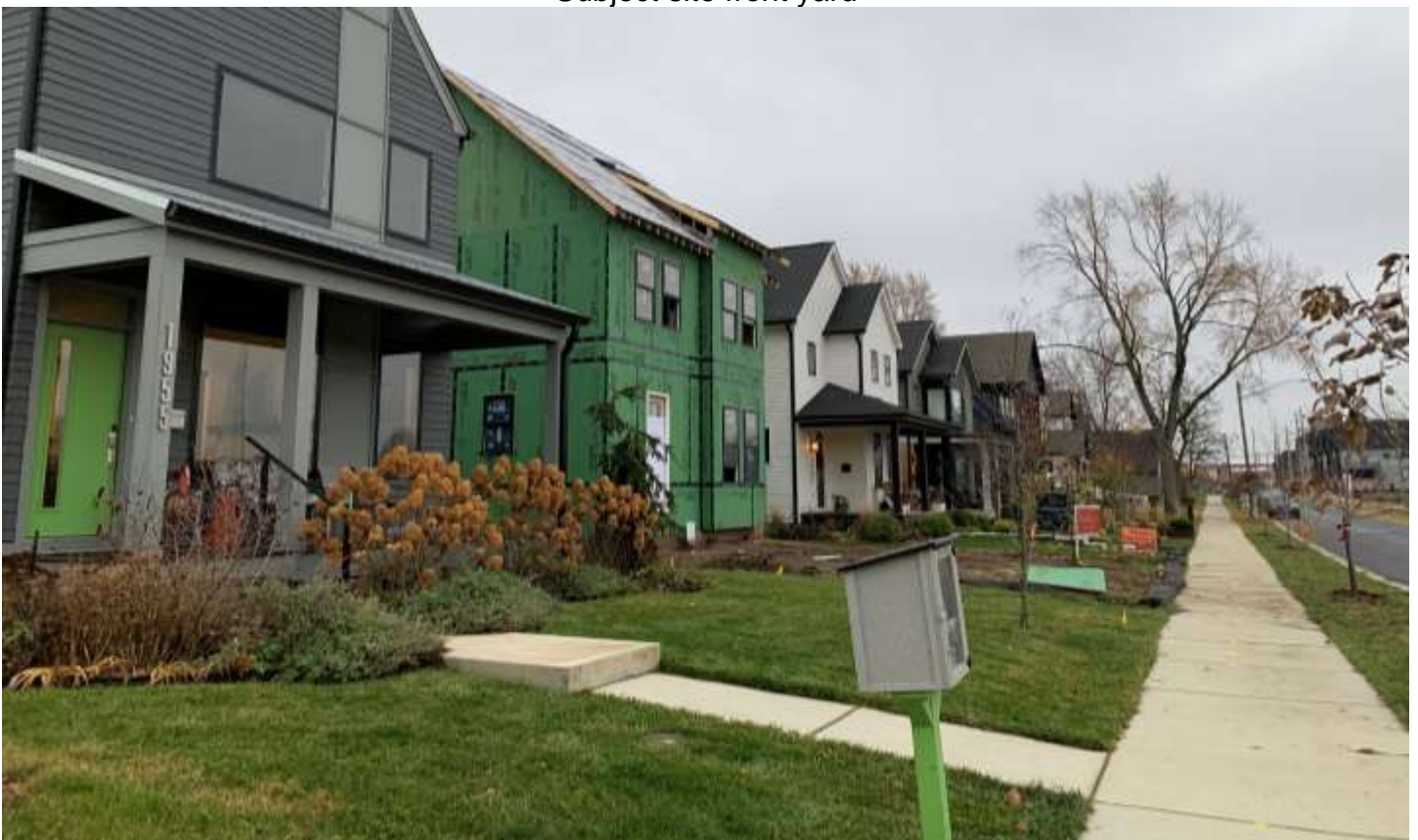
The garage is not atypical to the neighborhood and is simply in keeping with neighboring properties.

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**2023-DV2-034; Photographs**



Subject site front yard



View of properties on Alvord Street frontage



Subject site rear yard viewed from the alley