

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV3-043 (Amended)
Address: 1423 South State Street (approximate address)
Location: Center Township, Council District #21
Zoning: D-5
Petitioner: Platinum SPC LLC, by Paul Carroll
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot south side yard setback and provide for the construction of a building addition resulting in a two-foot south setback (five-foot side yard setbacks required).

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the following commitment:

The variance grant for the zero-foot south side setback would be subject to the existing dwelling only. If the structure would be demolished or replaced, that portion of the variance grant would no longer be valid.

Amended Petition: This petition originally included a request for deficient landscaping where one street tree and planting beds with shrubs or perennial plants covering at least 10% of the frontage area would be required. The petitioner has agreed to meet the landscaping requirements, therefore this portion of the request is withdrawn. Additional notice would not be needed, as the request would now deviate less from the Ordinance than the original notice.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Residential (Single-family Dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family Dwelling)
South	D-5	Residential (Single-family Dwelling)
East	D-5	Residential (Two-family Dwellings)
West	SU-6	Detention Center

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

(Continued)

STAFF REPORT 2022-DV3-043 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the amended request would legally establish a zero-foot south side yard setback for the existing dwelling and provide for the construction of a building addition resulting in a two-foot south setback.
- ◇ The request would legalize the existing zero-foot south side yard setback and provide for the construction of a building addition resulting in a two-foot south setback. Staff would note that many of the dwellings in the vicinity have minimal separation from other primary dwellings with similar side setbacks. Therefore, staff determined that the deviation of the required side setback would be appropriate and in line with the character of the neighborhood
- ◇ The proposed zero-foot south side setback would legally establish the south side setback of the existing dwelling. According to Assessor's records the existing dwelling was originally built in 1930, with the existing south setback, which has not caused any community concern or any known negative impacts. Several properties in the area have similar original reduced side setbacks. In staff's opinion, the request to legally establish the existing zero-foot east side setback would be appropriate
- ◇ In the event that the existing dwelling with the legally established zero-foot side setback were to be demolished or replaced, any future development may have a larger scale and greater impact on those reductions than the existing dwelling that was built in 1930. Therefore, Staff is requesting a commitment that the variance grant for the zero-foot south side setback would be for the existing dwelling only. If the structure would be demolished or replaced, then that portion of the variance grant would no longer be valid. The petitioner has agreed to this commitment.
- ◇ Staff determined that the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner since the existing setbacks and separation between dwellings would not be further reduced.
- ◇ The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because the residential building is existing and would not be permitted to remain without the variance.

GENERAL INFORMATION

THOROUGHFARE PLAN

State Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 65-foot existing right-of-way and a 66-foot proposed right-of-way.

SITE PLAN

File-dated August 18, 2022.

FINDINGS OF FACT

File-dated August 18, 2022.

(Continued)

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ZONING HISTORY

2021-DV3-027; 1423 South State Avenue (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the reconstruction and rehabilitation of a single-family dwelling, with a 13-foot front setback, a zero-foot south side setback, and 5.5 feet between dwellings, **denied**.

2003-UV3-023; 1726 Cottage Avenue (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a housing complex consisting of eight, 816 square foot two-family dwellings on a single parcel, each dwelling unit having a main floor area of 408 square feet (minimum main floor area of 660 square feet per unit required), with a front yard setback of zero feet from the existing right-of-way of Cottage Avenue, with 23 eight-foot wide off-street parking spaces and maneuvering area in the required side and rear yards, and provide for a 960 square foot caretaker's residence and maintenance facility with the dwelling space located entirely on the second floor and a maintenance facility-garage on the first floor with a five-foot rear yard setback resulting in 59 percent open space, **granted**.

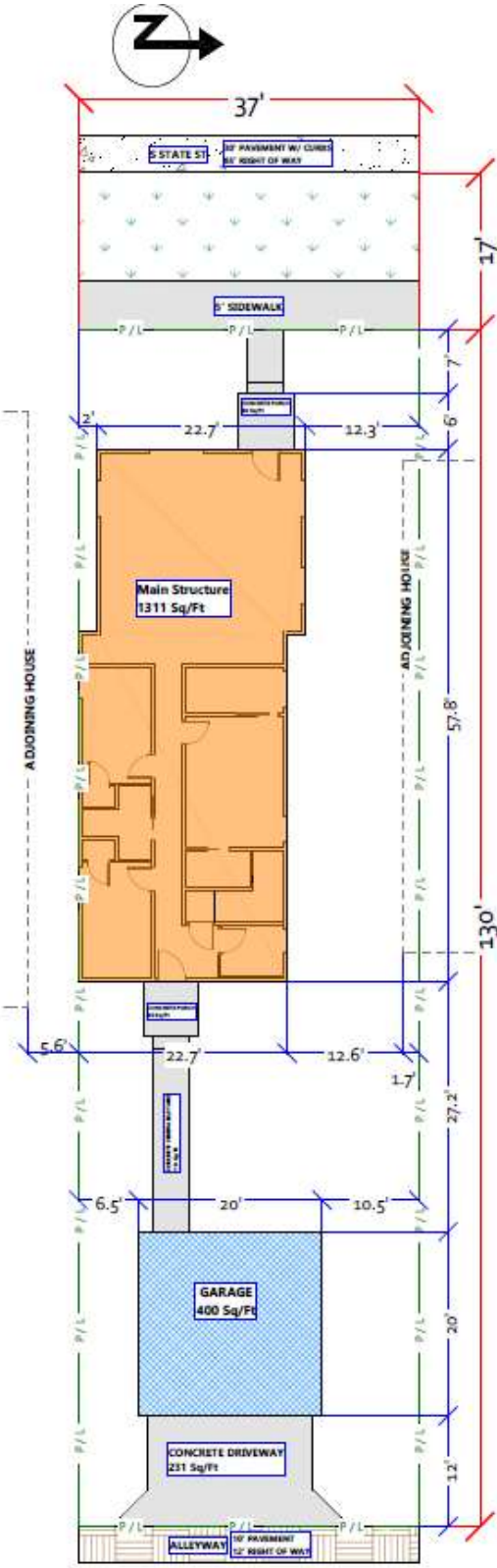
91-UV2-73; 1420 Dawson Street (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the conversion of a single-family dwelling to a two-family dwelling (single-family dwelling permitted) and to permit the addition of a deck resulting in a seven-foot aggregate side yard setback (10-foot aggregate side yard required), **granted**

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2022-DV3-043; Location Map



2022-DV3-043; Site Plan



2022-DV3-043; Photographs



Photo of the Subject Property: 1423 South State Avenue



Photo of the existing foundation to be built upon, with the cinder block portion being moved to a two-foot south side setback.



Photo of the location of the proposed detached garage.



Photo of the abutting duplexes to the east of the site.



Photo of the abutting dwellings to the south of the site, looking east.



Photo of the abutting dwellings to the north of the site, looking east.