

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-011
Address: 7762-7798 and 7735-7787 Garnet Avenue, 3046-3064 Crooked Creek Parkway East Drive, 2903-2945 and 2902-2958 Ruby Boulevard, 2940 and 2939 Moonstone Street, 3103-3157, 3138-3156 and 3102-3126 Sardonyx Street (approximate address)
Location: Pike Township, Council District #1
Zoning: D-5
Petitioner: Arbor Homes & Apex Realty Group, by Caitlin Dopher
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of single-family dwellings on each lot with a 20-foot front yard setback, a minimum main floor area of 539 square feet and an open space of 40 percent (25-foot front yard setback, 660 square foot main floor area and 60 percent open space required).

July 11, 2023

This petition was automatically continued from the June 13, 2023 hearing to the July 11, 2023 hearing by a registered neighborhood organization.

June 13, 2023

RECOMMENDATIONS

Staff **recommends approval** of the requests.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Metro	Undeveloped / Single-Family residential
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	C-1	Commercial

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Suburban Neighborhood development
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- ◇ The subject site is comprised of 66 lots in the Augusta Heights Phase One subdivision, re-platted via 2020-PLT-042. This subdivision is in northwest Indianapolis and was originally platted in the 1920's. Much of the site was undeveloped. There are some existing single-family dwellings, but they are not related to the subject variance or development.

(Continued)

STAFF REPORT 2023-DV2-011 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for 20-foot front yard setbacks where 25 feet is required, main floor areas of 539 square feet where 660 square feet is required, and 40 percent open space where 60 percent is required. Staff would note that the standards used to review these variances are based on the 2016 zoning and subdivision ordinance. The subdivision plat was approved in 2020, so the ordinance standard adopted at that time may be applied per the three-year vested rights state statute.
- ◇ The subject sites are zoned D-5 and in the metro context area. Staff would note that D-5 is an atypical zoning classification in the metro context area. Most lots in this subdivision are approximately 50 feet wide and 110 feet long, or less, which is more common in the compact context areas. This petition would provide for a 20-foot front yard setback. The required D-5 front setback for a local street in the metro context area is 25 feet. For comparison, a local street setback in the compact context area is 18 feet.
- ◇ The proposed development for these lots utilizes a historic plat from 1923; similar neighborhoods of this era often have existing setbacks smaller than what is required by the modern ordinance, and are classified as compact context areas. Therefore, staff would not be opposed to a slight reduction of the front yard setbacks to 20 feet.
- ◇ This request would provide for 40 percent open space where 60 percent open space is required. The purpose of this variance request is to allow for one-story dwellings with attached garages that would be similar to the existing ranch-style homes in this area. Staff would not be opposed to reduced open space for lots with less than the minimum required lot area. Staff would also not oppose variances where the request is consistent with existing development in the surrounding area.
- ◇ Staff would note that the recently adopted walkable neighborhood districts would permit a 20-foot front setback and 40 percent open space in the D-5 district. Therefore, staff would not be opposed to the requested variances.
- ◇ The minimum main floor area for a dwelling with more than one story in the D-5 district is 660 square feet. This calculation does not include parking such as a garage per Section 740-303.C.1.c. The intent of this standard is to create a uniform appearance for single-family structures in the same zoning districts. If the garage were counted in this calculation, most multi-story dwellings would have a gross first floor area of approximately 960 square feet.
- ◇ The overall net floor area for these dwellings would meet or exceed the required 900 square feet of floor area required by the ordinance. The proposed houses have net floor areas of 1,148 square feet or more. Therefore, staff believes the proposed dwellings meet the intent of the ordinance and are not opposed to a slight reduction of the required main floor area.

(Continued)

STAFF REPORT 2023-DV2-011 (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN	Sapphire Boulevard, Sardonyx Street, Moonstone Court, Ruby Boulevard, Garnet Avenue, and Amethyst Avenue are classified in the Official Thoroughfare Plan for Marion County, Indiana as local streets, with 50-foot existing and proposed rights-of-way.
SITE PLAN	File-dated May 26, 2023
FINDINGS OF FACT	File-dated May 15, 2023
FLOOR PLANS	File-dated June 2, 2023

ZONING HISTORY – SITE

2020-PLT-042, Approval of a Subdivision Plat, to be known as Augusta Heights, dividing 18.078 acres into 81 lots, with waivers of street width, waivers of curb radii and waivers of sidewalks.

ZONING HISTORY – VICINITY

89-HOV-27, 3149 Sapphire Boulevard, variance to provide for the construction of a screened porch on an existing slab with a seventeen-foot front setback, **approved**.

97-V2-12, 7651-7707 North Michigan Road, variance to provide for the construction of seven single-family dwellings with front setbacks of 30 feet along Michigan Road, **denied**.

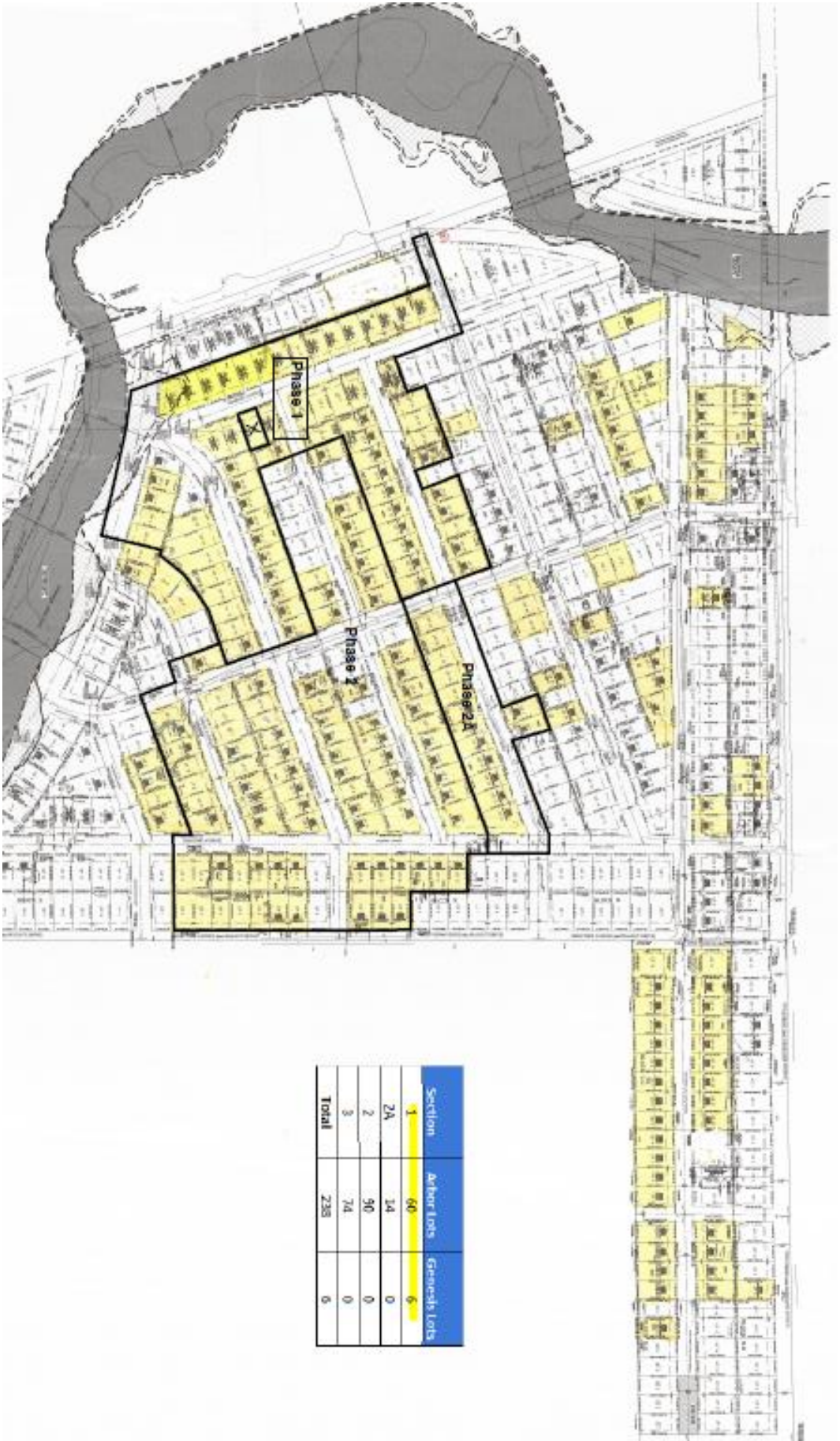
88-HOV-90, 2927 Moonstone Drive, variance to provide for the construction of an addition to a single-family dwelling and a detached garage without the required public street frontage, **approved**.

2009-DV2-047, 7755 Amethyst Avenue, variance to legally establish a) a five-foot tall fence within the required front yard along Amethyst Avenue and Sardonyx Street, located within the clear-sight triangle at the intersection of Amethyst Avenue and Sardonyx Street and within the clear-sight triangle at the intersection of Amethyst Avenue and the driveway, and b) legally establish a 362-square foot detached garage with a 1.2-foot north side setback, being located in front of the established front building line, **approved**.

AR

An aerial photograph of a residential neighborhood. The map is overlaid with red and blue outlines. Red outlines delineate several large areas, including a central block bounded by Sapphire Blvd to the north, Crooked Creek Pkwy to the south, and Michigan Rd to the west. Blue outlines highlight specific lots within these red-outlined areas. Numerous lots are marked with red stars and numbers, such as 7802, 7808, 7820, 7799, 7769, 7777, 7767, 7763, 7770, 7750, 7745, 3170, 3165, 3157, 3149, 3169, 3159, 3121, 3115, 3109, 3103, 3063, 7755, 3045, 3028, 3039, 3053, 3047, 3011, 3035, 2026, 2029, 2034, 2042, 2038, 2065, 2837, 2850, 2858, 2863, 2864, 2868, 2871, 2872, 2884, 2890, 2894, 3040, 3034, 3026, 3020, 3014, 3014, 2927, 2924, 2928, 2936, 2938, 2940, 2941, 2947, 2950, 2959, 2969, 2971, 2977, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579,

2023-DV2-011; Site Plan



2023-DV2-011; 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:

The proposed single-family homes are the same use as adjacent, existing homes in the subdivision. The two requested variances will allow for single story floor plans which are similar in size and massing to existing homes in the area.

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 homes proposed to be built in Augusta Heights are single-family detached homes, similar in size to existing homes in the subdivision.

Because the plat was approved in 1923, some lots have been developed since that time and contain single-story homes under 2,000 square feet.

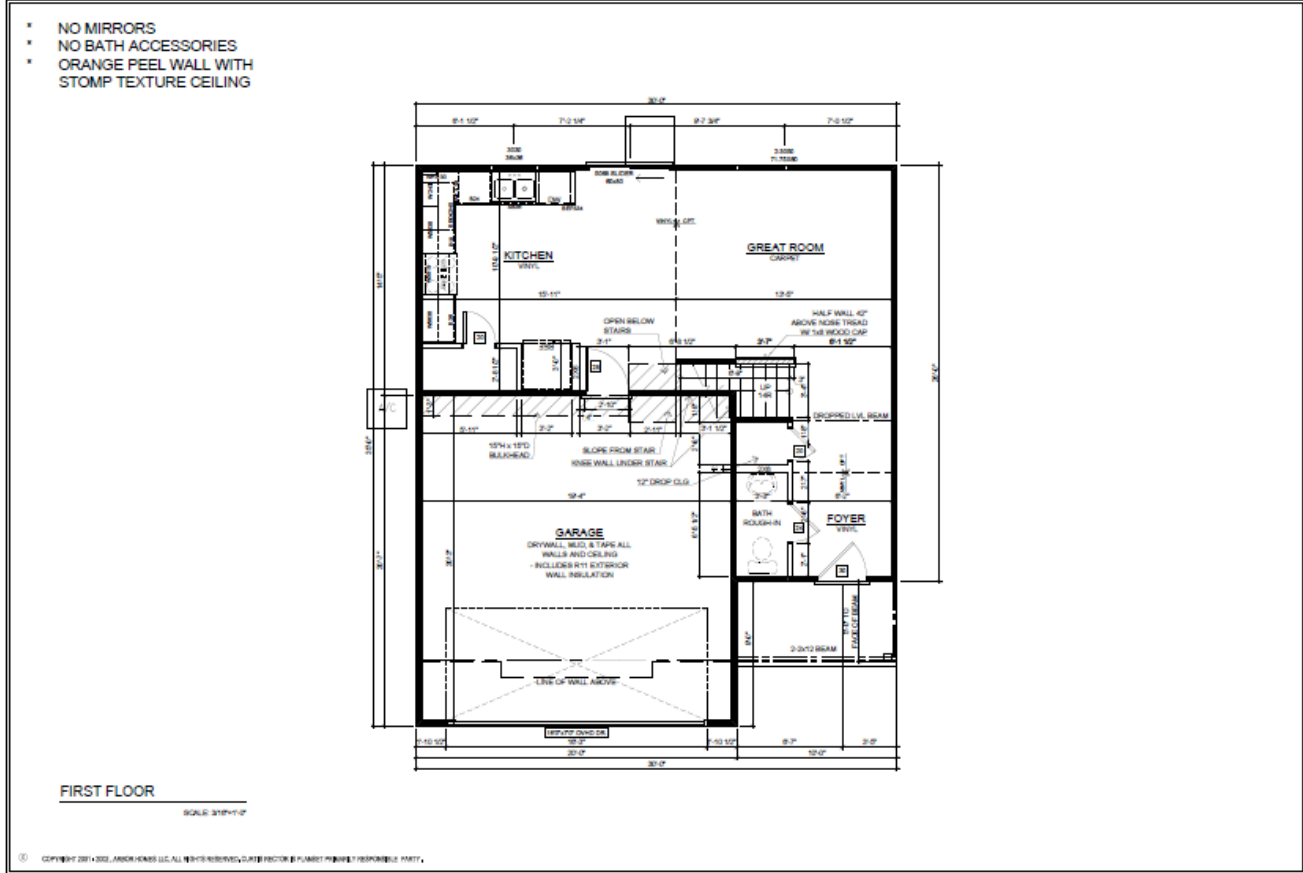
Arbor is proposing to build a variety of different floor plans, ranging from 1,200 to 3,200 square feet.

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

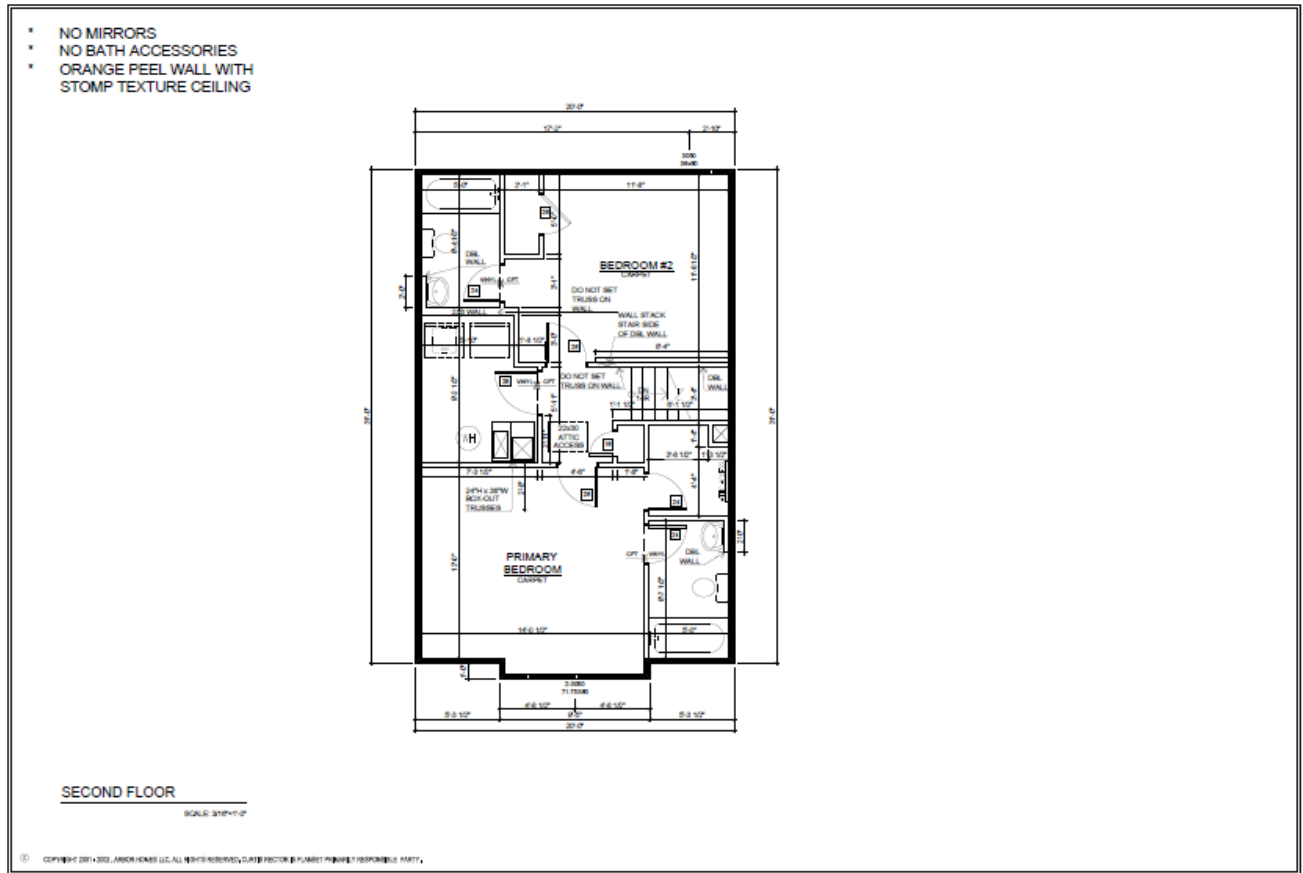
Applying modern development standards to a subdivision created in 1923 will result in limited buildable space on individual lots and restrict the most attainably priced floor plans. The Augusta Heights subdivision, although platted 100 years ago, has recently been developed to accommodate modern drainage, modern street standards, buried electric lines, and has installed retaining walls to account for the topography of the site. However, because the platted lots were sold individually and existing homes are in the area, the development was bound by the existing property lines. Older, existing homes in the subdivision are single-story ranch style homes. Without a variance for the front setback and open space requirement on lots, Arbor Homes' single-story floor plans, the most comparable to existing homes in the subdivision, will not comply.

2023-DV2-011; Floor Plans

Coach: 1,148 square feet net floor area

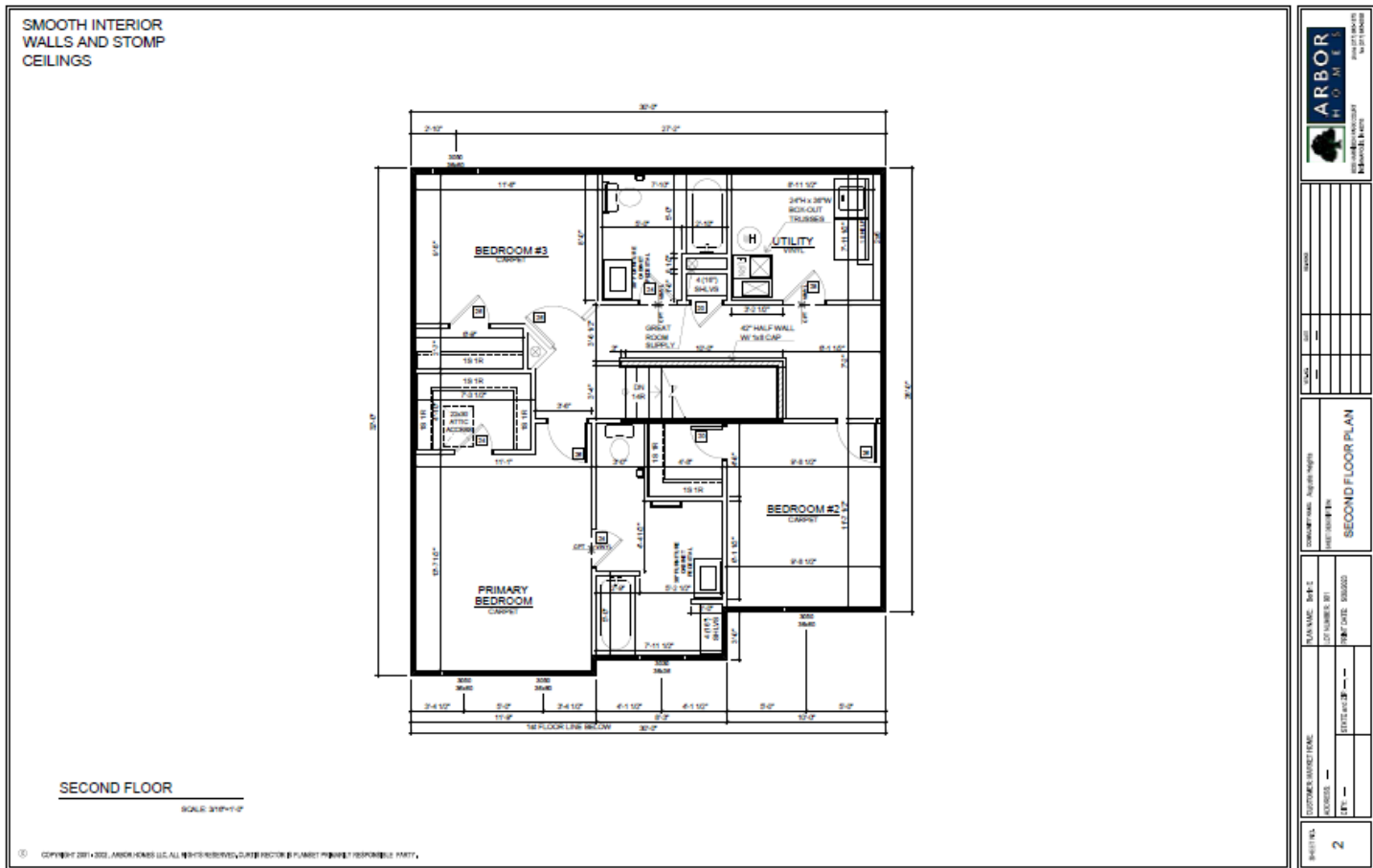
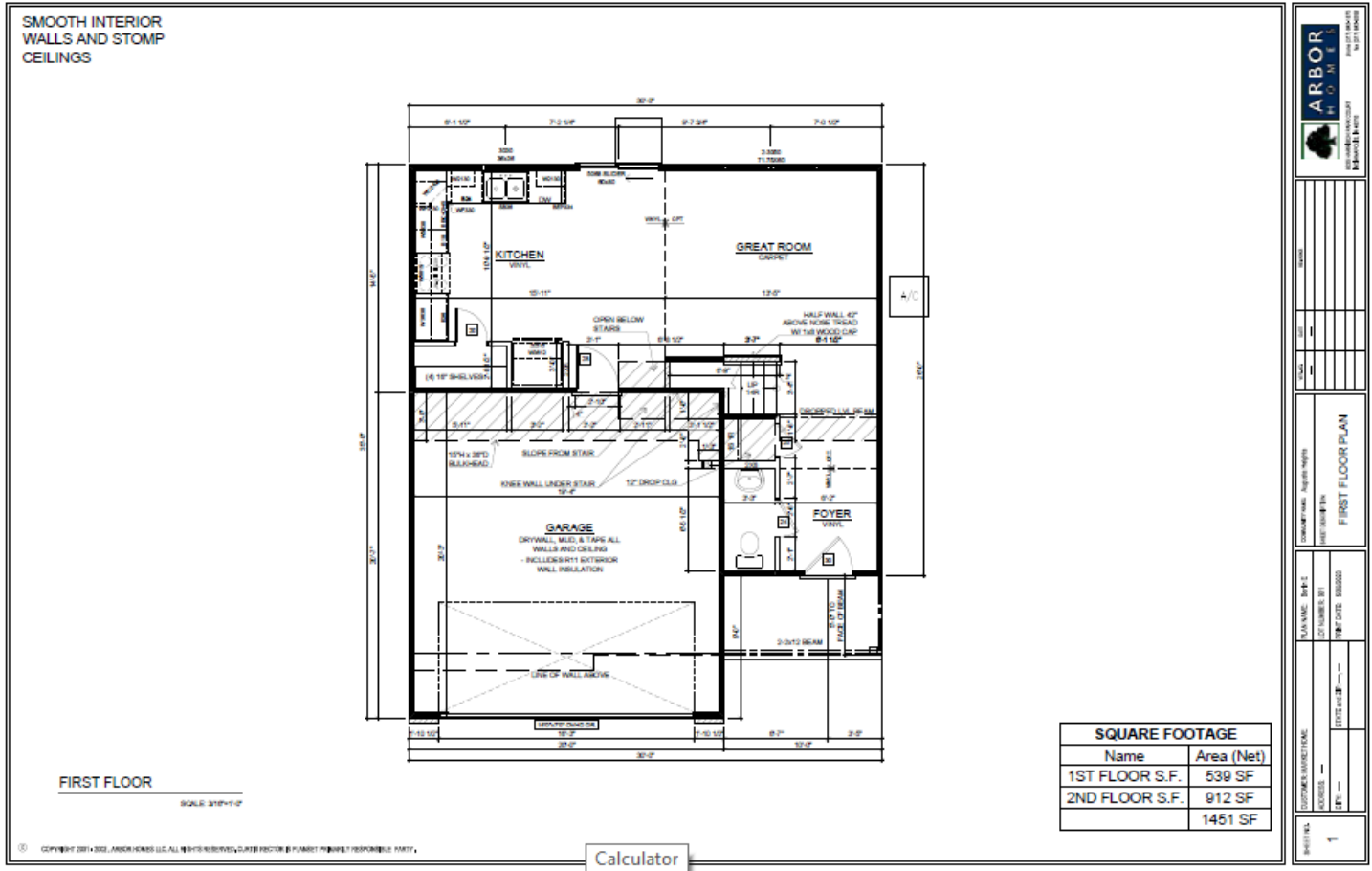


ARBOR HOMES	
DATE: 01/01/2011	PROJECT: 2023-DV2-011
DESIGNER: ARBOR HOMES	ARCHITECT: ARBOR HOMES
FIRST FLOOR PLAN	
1	



ARBOR HOMES	
DATE: 01/01/2011	PROJECT: 2023-DV2-011
DESIGNER: ARBOR HOMES	ARCHITECT: ARBOR HOMES
SECOND FLOOR PLAN	
2	

Berlin: 1,452 square feet net floor area



FIRST FLOOR

SCALE: 3/8"=1'-0"

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SECOND FLOOR

SCALE: 3/8"=1'-0"

© COPYRIGHT 2014 HKS, ANDERSON LLC. ALL RIGHTS RESERVED. DATE: 06/09/14. BY: JAMES P. HANCOCK FOR HKS, ANDERSON LLC.

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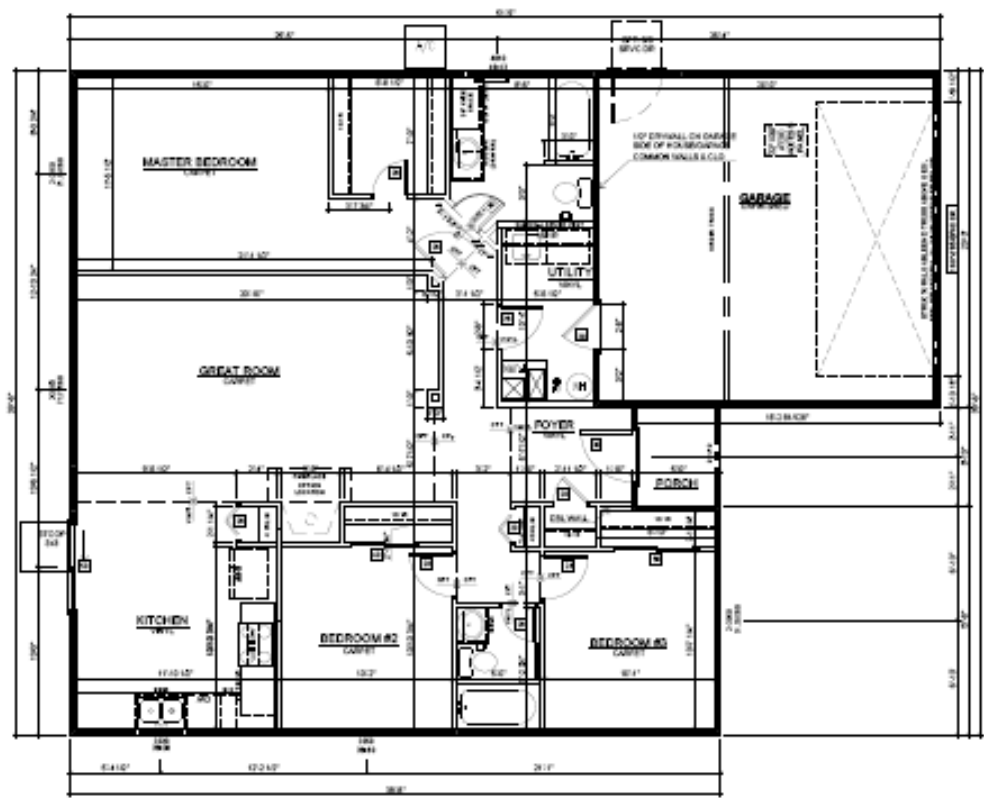
SECOND FLOOR

SCALE: 3/8"=1'-0"

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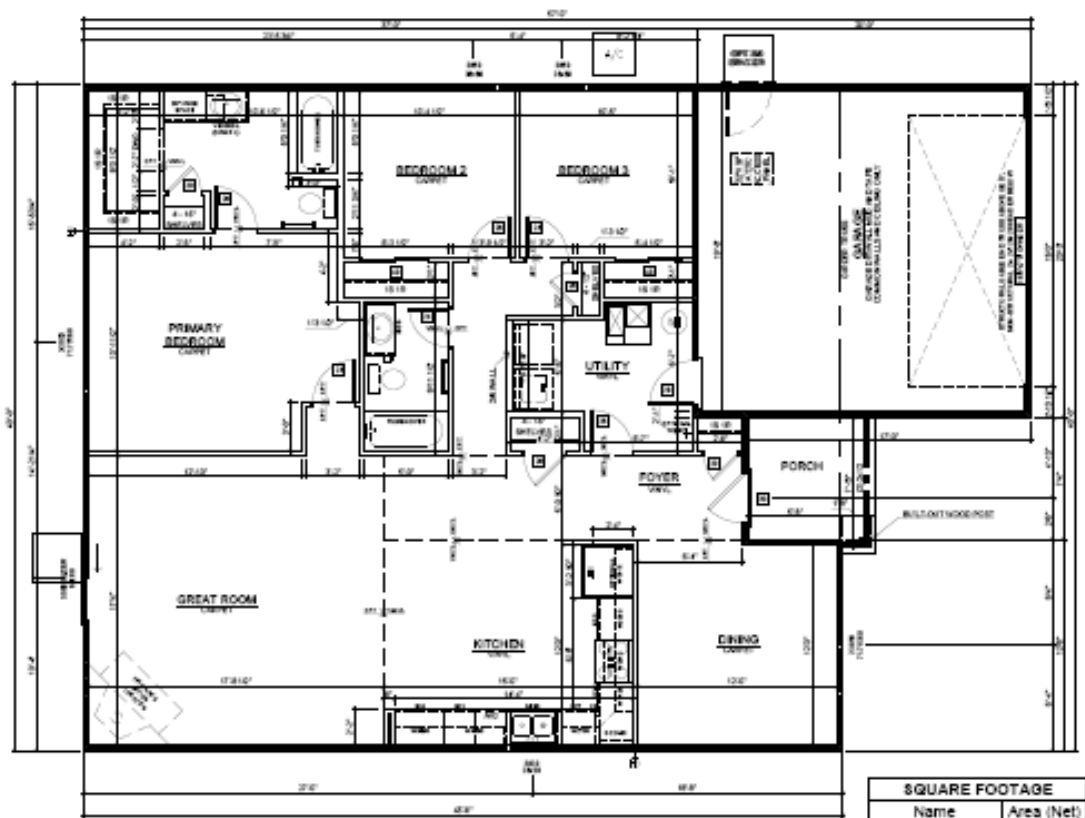
Ashton: 1,354 square feet net floor area



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

Bradford: 1,613 square feet net floor area

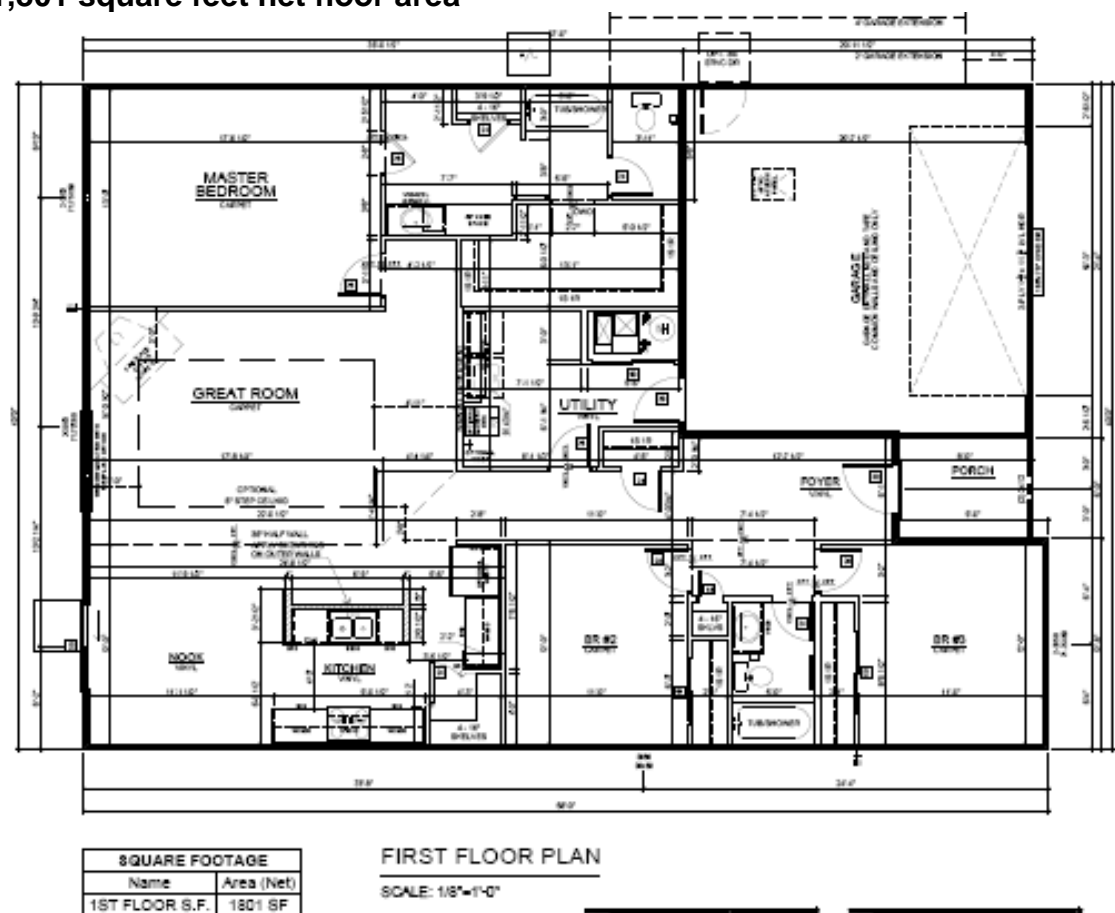


FIRST FLOOR PLAN

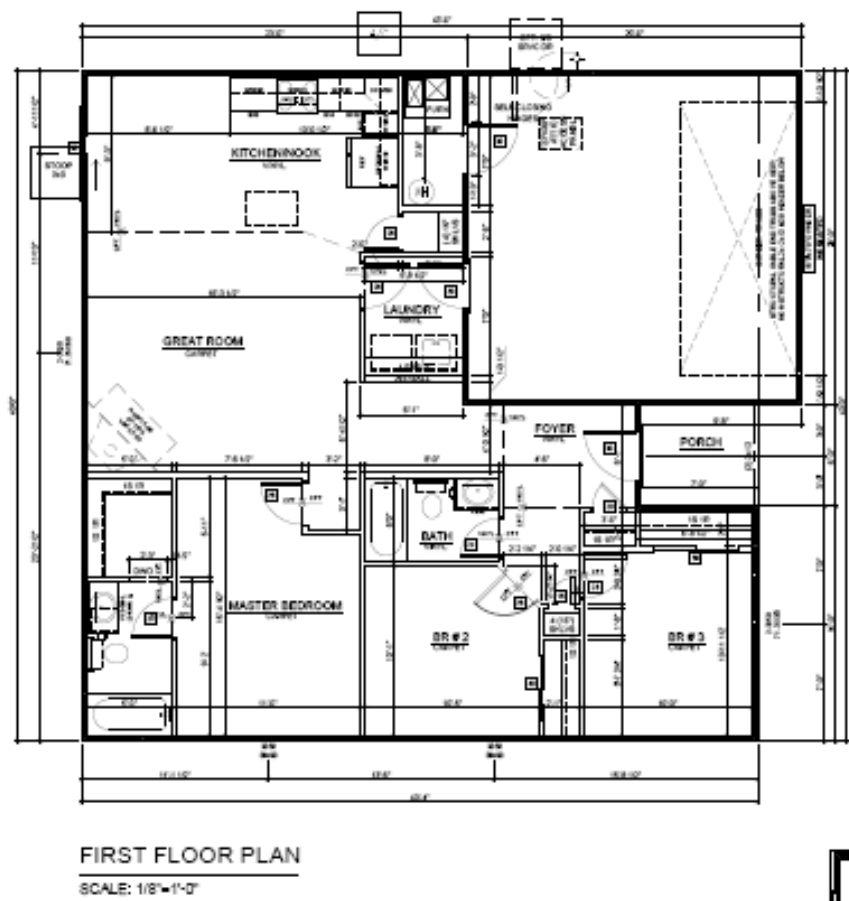
SCALE: 1/8"=1'-0"

SQUARE FOOTAGE	
Name	Area (Net)
1ST FLOOR S.F.	1613 SF
	1613 SF

Chestnut: 1,801 square feet net floor area



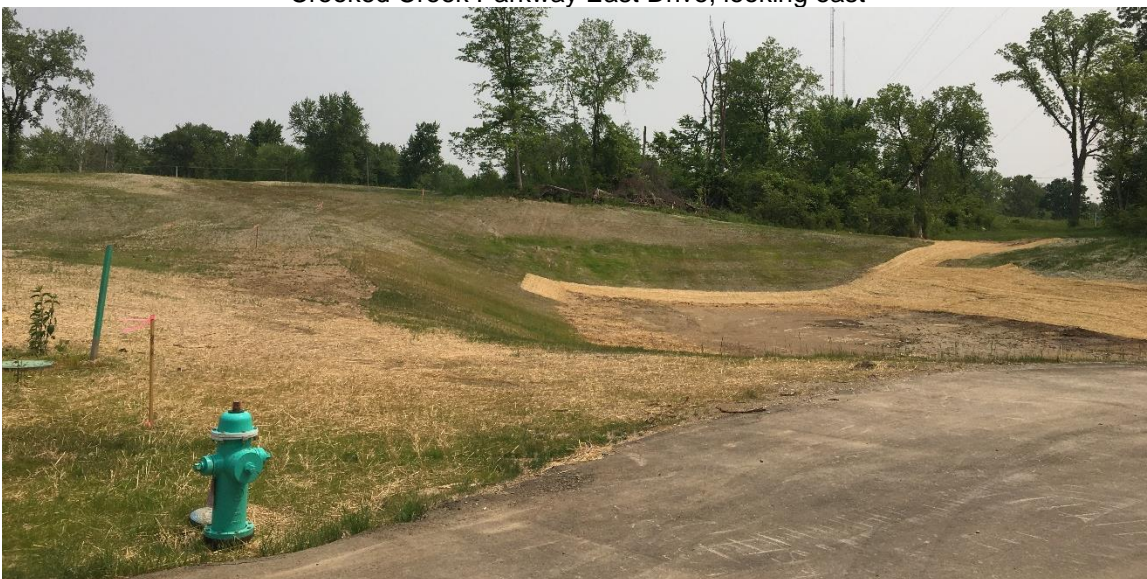
Walnut: 1,228 square feet net floor area



2023-DV2-011; Photographs



Crooked Creek Parkway East Drive, looking east



Crooked Creek Parkway East Drive, looking northwest



View from Crooked Creek Parkway East Drive, looking north



Intersection at Garnet Avenue, Ruby Boulevard, and Crooked Creek Parkway East Drive, looking east



Intersection of Garnet Avenue and Ruby Boulevard



Intersection at Garnet Avenue and Ruby Boulevard, looking north



Moonstone Court, looking west



Intersection of Ruby Boulevard and Amethyst Avenue



Amethyst Avenue, looking north



Intersection of Garnet Avenue and Sardonyx Street



Intersection of Garnet Avenue and Sardonyx Street, looking north



Garnet Avenue, looking west



Garnet Avenue, looking west



Sapphire Boulevard and Garnet Avenue, looking west



Sapphire Boulevard, looking east