



BOARD OF ZONING APPEALS DIVISION I

August 6, 2024

Case Number: 2024-DV1-026
Address: 2008 East Maryland Street (approximate address)
Location: Center Township, Council District #18
Zoning: D-5
Petitioner: Janessa Luster, by Epifanio Carbajal
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a two-foot east side yard setback (five feet required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a single-family dwelling with a two-foot east side yard setback.
- ◇ A previous dwelling on site had a similar reduced side setback. The adjacent dwelling to the east has a twelve-foot driveway separating it from the reduced setback. The driveway would provide adequate separation from any primary dwelling or other accessory structure.
- ◇ Development in this area predates current zoning requirements. Residential uses with similar reduced setbacks on one side of the parcel are common in this area. This allows for additional width to place a driveway in the other side setback, and a rear garage where no developed alley access exists. Requiring that the site adhere to development standards for the proposed improvements, particularly given that the site was platted prior to current zoning requirements, would constitute a practical difficulty.
- ◇ The proposed setback would still provide adequate space to mitigate any adverse impacts and provide the minimum area necessary for maintenance setbacks similar to or greater than adjacent parcel accessory structures. The request would represent a minor deviation from the Ordinance.



- ◇ Generally, staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends Traditional Neighborhood uses	
Surrounding Context	Zoning	Surrounding Context
	North:	I-3 North: Railroad yard
	South:	D-5 South: Single-Family dwelling
	East:	D-5 East: Single-Family dwellings
	West:	D-5 West: Single-Family dwelling
Thoroughfare Plan		
Maryland Street	Local Street	70-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	Blue Line TOD	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	July 5, 2024	
Findings of Fact	July 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends traditional neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends the Traditional Neighborhood typology which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

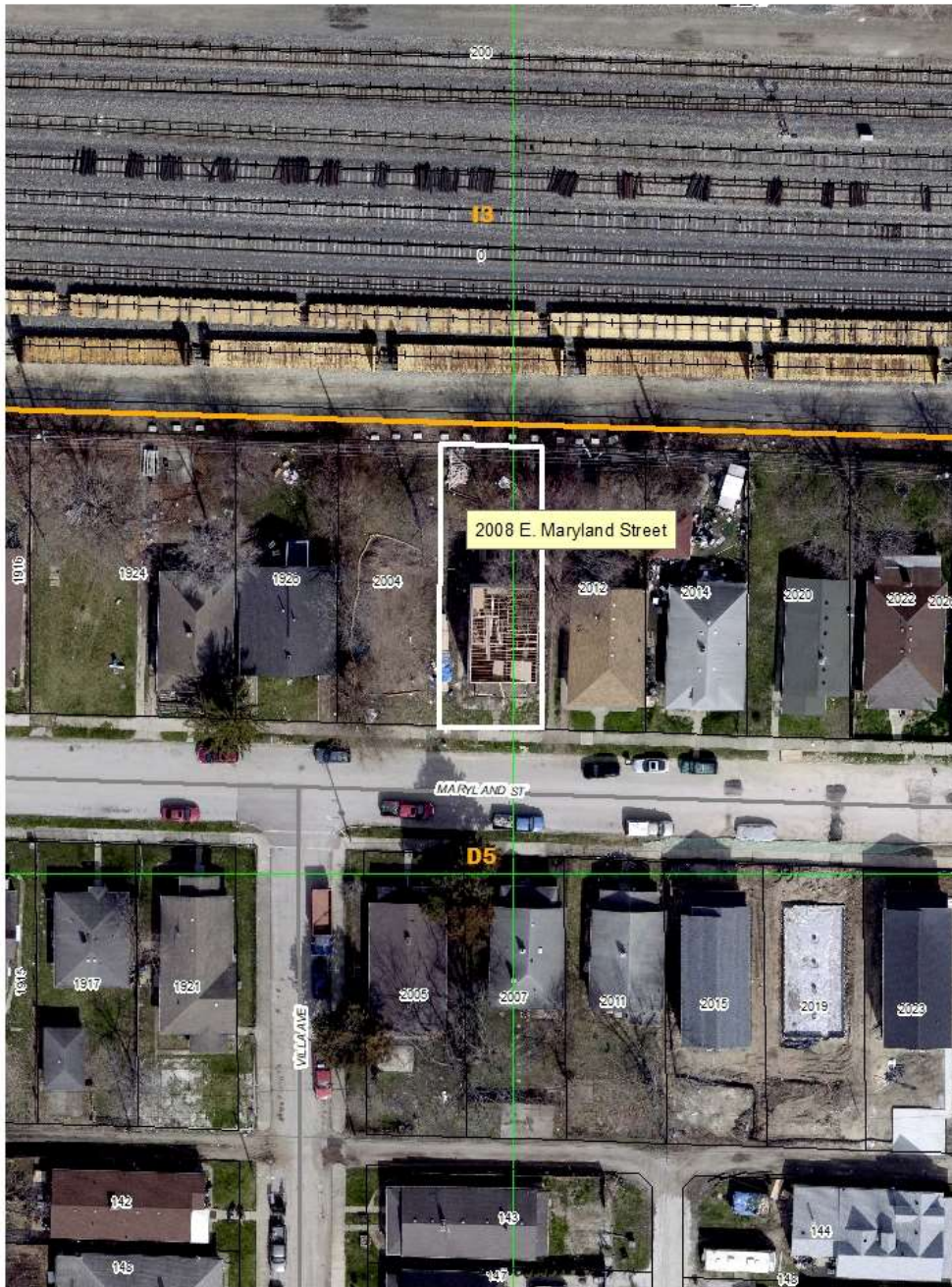
2018-HOV-095; 1824 East Maryland Street (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and attached garage, with a 10- foot front setback, **granted**.

2014-DV1-044; 235 Walcott Street (south of site), requested a variance of development standards to legally establish a single-family dwelling, with a one-foot north side setback and to provide for the construction of a garage addition with a two-foot north side setback and a zero-foot east rear setback, and to provide for an open space of 58.7%, **granted**.

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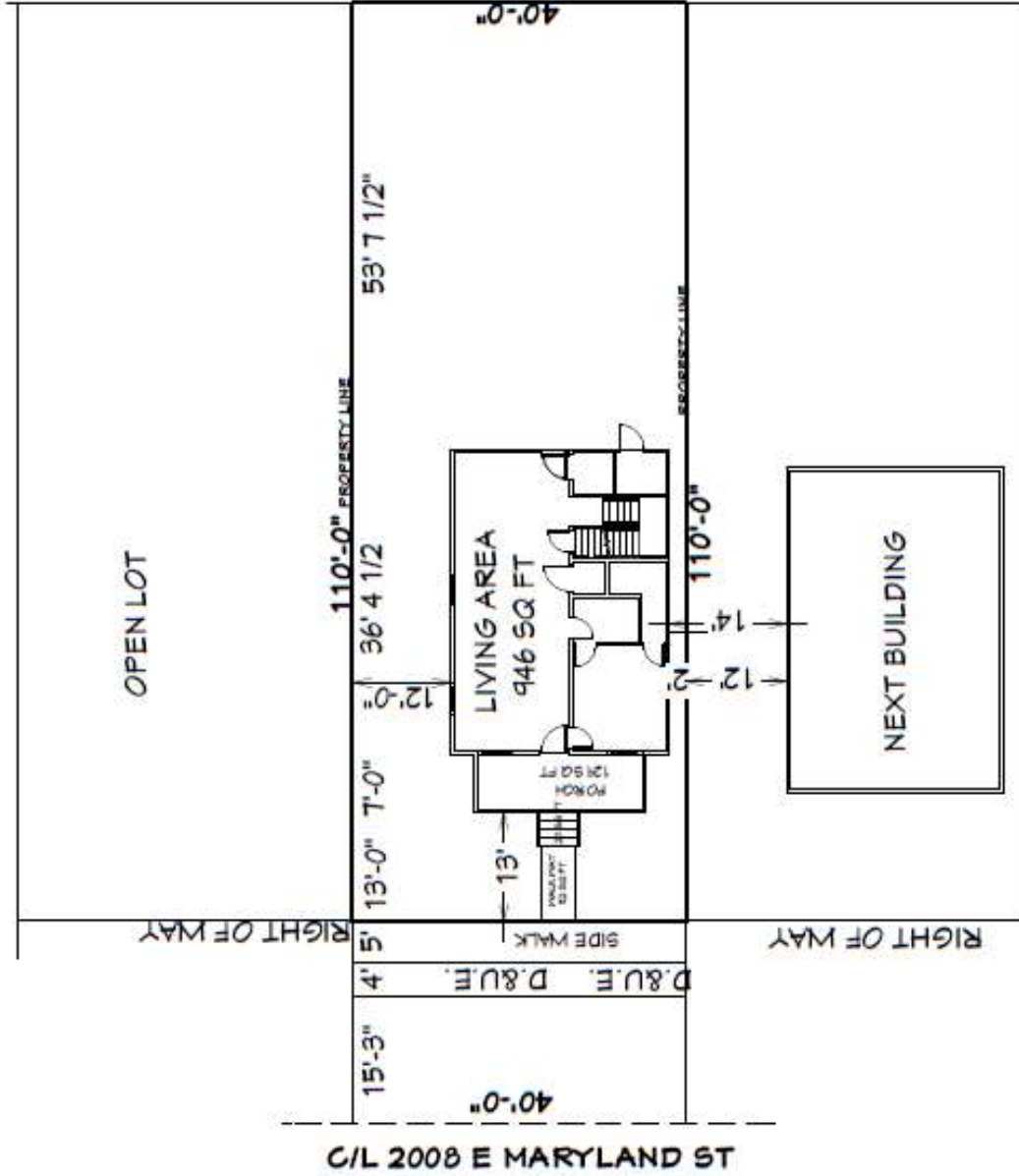
EXHIBITS

Location Map



Site Plan

SITE PLAN:
 SCALE: 1" = 20'-0"





Findings of Fact

Petition Number _____

**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 SUBJECT DWELLING IS EXISTING AND HAS 13'-0" FRONT SETBACK, 12'-0" WEST SIDE SETBACK
2'-0" EAST SIDE SETBACK AND 53' 7 1/2" REAR SETBACK

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 RECONSTRUCTION OF THE SUBJECT DWELLING WILL INCREASE ITS VALUE AND CURB APPEAL.

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

WITHOUT THE GRANT OF THE REQUEST, THE ENTIRE TWO STORY HOUSE THAT HAS BEEN RECONSTRUCTED OVER
THE EXISTING FOOTING WILL HAVE TO BE DEMOLISHED.

DECISION

Photographs



Subject property looking north.



Subject property side setback, looking north.



Adjacent property to the east, looking north.



Adjacent property to the west, looking north.