



BOARD OF ZONING APPEALS DIVISION III

April 16, 2024

Case Number: 2024-DV3-009
Address: 801 North Layman Avenue (approximate address)
Location: Warren Township, Council District #14
Zoning: D-4
Petitioner: Paul & Adrienne Du Rant
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building expansion including a driveway accessing St. Clair Street (exclusive vehicular access from improved alley required), resulting in a 65.82 percent open space and a four-foot north side yard setback (65 percent open space, five-foot side yard setback required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition, subject to a commitment.

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. subject to the following commitment:

1. The Variance grant shall be subject to the removal of the existing driveway with Layman Avenue access, closing the curb cut, and replacing the affected sidewalk, within three months of completion of the garage with St. Clair Street access.

PETITION OVERVIEW

- ◇ The Ordinance was amended in April of 2016, to regulate access and connectivity for the zoning districts. This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance. The “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”



- ◇ The alley right-of-way does exist on paper, however, the physical alley is unimproved in Staff’s opinion, since the alley was never paved or developed by the City. The alley is currently being used by several neighbors to access their alley garages, after they added gravel placed in the alley for access. Otherwise, this alley right of way would consist of grass as it does further to the north.
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ The petitioner has agreed to a commitment to remove the curb cut and driveway on their Layman Avenue frontage, and restore that portion of the sidewalk, within three months of the garage being finished.
- ◇ Since the alley to the rear of the subject site was never improved in Staff’s opinion, the request would be a minor deviation from the Ordinance, and consistent with surrounding residential properties.
- ◇ 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-4	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Recommends 3.5-5.0 dwelling units per acre	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Single-Family dwelling
	South:	South: Single-Family dwelling
	East:	East: Single-Family dwellings
	West:	West: Single-Family dwelling
Thoroughfare Plan		
North Layman Avenue	Local Street	60-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Site Plan	February 7, 2024	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	March 21, 2024	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 3.5 – 5.0 dwellings per acre for the site.

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends 3.5-5.0 dwelling units per acre for the subject site, which provides for a medium density residential use. Permitted are single family and two-family dwellings

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

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

2016-DV1-010; 944 Lesley Avenue (north of site), requested a variance of development standards to legally establish and provide for a pergola, with a one-foot north side setback, and a patio with a zero-foot setback along the St. Joseph Street frontage, and a raised wood deck, fence, and raised planter, **granted**.

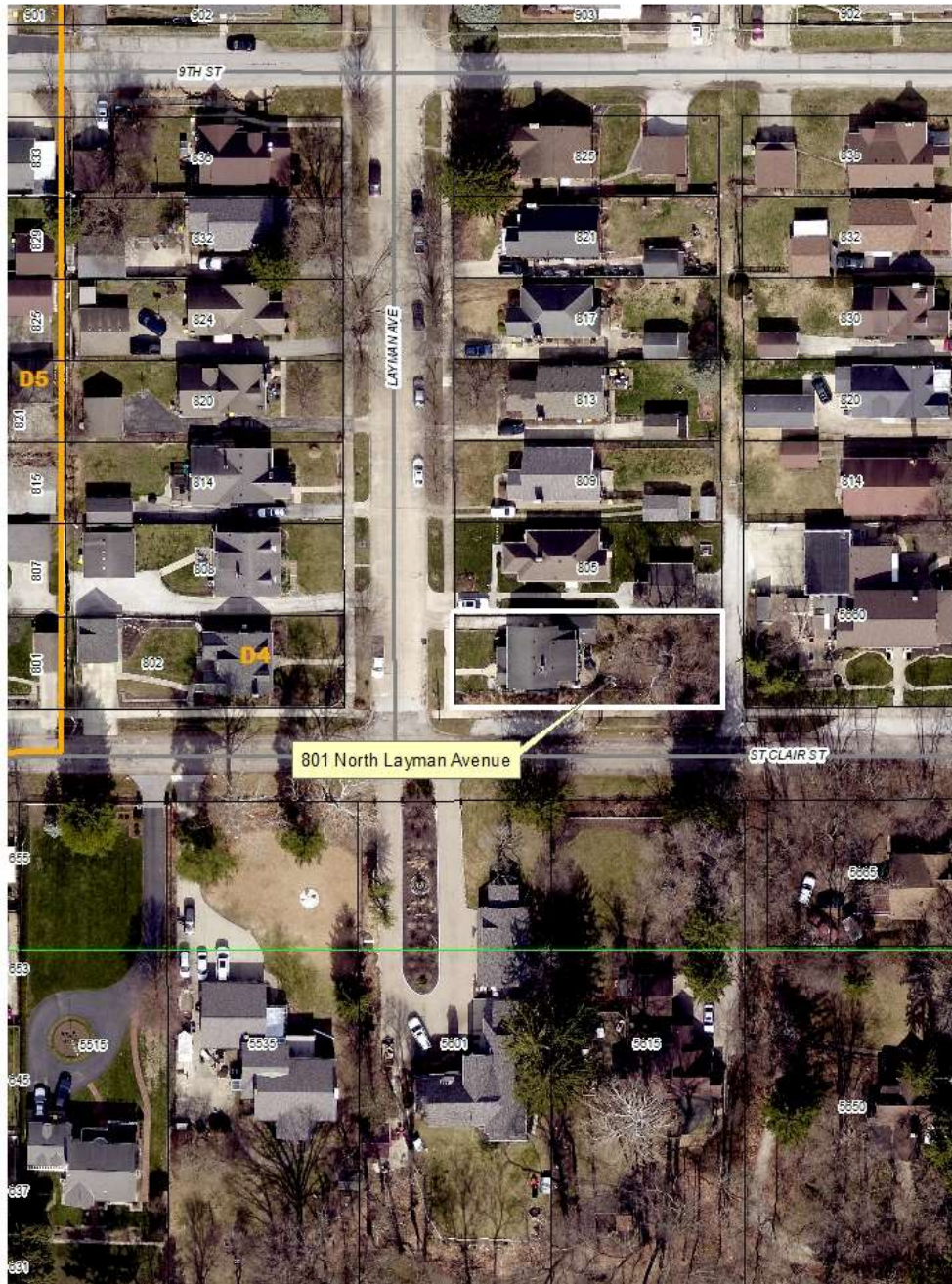
2007-HOV-030, 933 Layman Avenue (north of site), requested a variance of development standards to provide for the construction of a two-story, 24-foot tall, detached garage, **withdrawn**.

99-UV1-61; 5920 East Pleasant Run Parkway North Drive (east of site), requested a variance of development standards to provide for a 19 by 24-foot addition to an existing garage with a side yard setback of 3.7 feet, and total accessory use of 855 square feet, or 78.8% of the main floor area of the primary dwelling, **granted**.

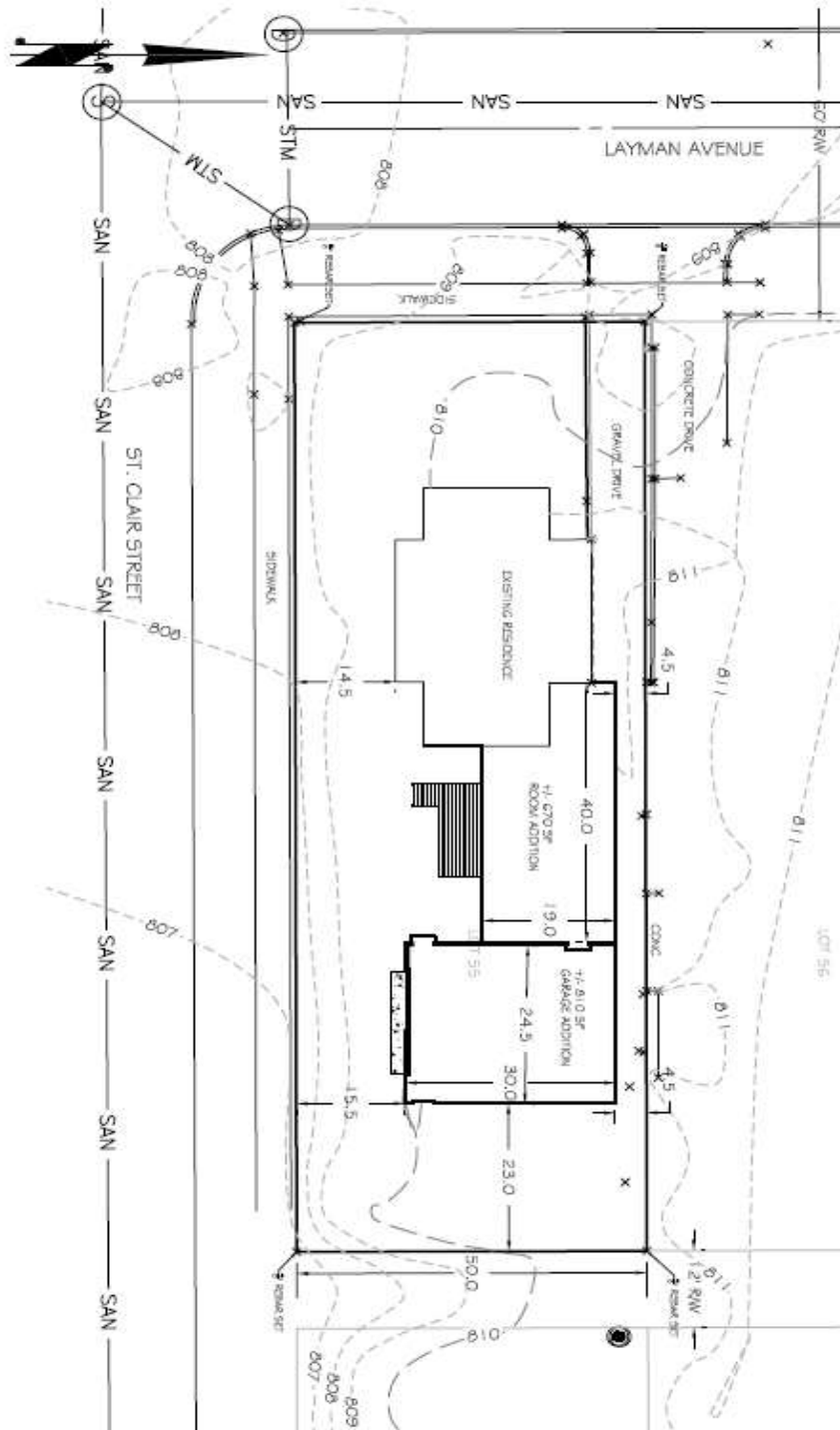
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EXHIBITS

Location Map



Site Plan





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:

This grant will not be injurious to the public but the complete opposite as there will be an improvement
in the entire walking experience with the enhancements to the landscape and new hardscape that
will be layed

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 use and value brought by this approval is to the overall walking experience by the
improvement in the landscaping and smoother hardscape which is not limited just to the warmer
months but year round.

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

The current zoning as it stands now will inhibit the amount of greenspace that will be available for
additional plantings and small trees with the driveway entrance off of the alley.

Photographs



Photo of the Subject Property with existing driveway and curbcut on Layman Avenue, looking east



Photo of the proposed garage location with access to St. Clair St., looking north.



Photo of existing alley right-of-way, improved with gravel by adjacent neighbors, looking north.



Photo of existing unimproved alley right-of-way, further north, looking north.



Photo of neighbor's to the north on Layman that back up to the unimproved alley, with driveway street access, looking east.



Photo of neighbor's garages to the west, with unimproved alley right-of-way inbetween garages, with access to St. Clair Street, looking north.