

## STAFF REPORT

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

**Case Number:** 2023-DV1-033 (Amended)  
**Address:** 337 Sanders Street (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-5  
**Petitioner:** 3 Amigos Estate LLC, by Mark and Kim Crouch  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition to an existing single-family dwelling with a nine-foot front yard setback, a zero-foot west side yard setback, and a three-foot eastern side yard setback (minimum 10-foot front yard setback and five-foot side yard setbacks required).

### ADDENDUM FOR AUGUST 15, 2023

Due to the lack of a quorum, this petition was continued and transferred from the August 1, 2023 hearing of Division I to the August 15, 2023 hearing of Division III.

An amended site plan was provided to remove the front porch addition leaving the existing nine-foot front setback and the northeast addition to the house was reduced in size. These changes allowed for the 40% open space to be met. However, the sidewalk is still noted on the site plan as having a zero-foot setback, which would require an additional variance since a two-foot side setback would be required unless the sidewalk is removed.

Staff **recommends approval** of the request as amended.

### August 1, 2023

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

### **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	Commercial
East	D-5	Residential (Single-family dwelling)
West	D-5	Residential (Single-family dwelling)

(Continued)

## **STAFF REPORT 2023-DV1-033 (Continued)**

COMPREHENSIVE PLAN                      The Comprehensive Plan recommends traditional neighborhood development.

- ◇ The 0.07-acre subject site is developed with a one-story single-family dwelling and detached garage.
- ◇ The site is surrounded by similarly developed residential properties north, east, and west with a commercial building to the south that received a Certificate of Legal Non-Conforming Use for an office, warehouse and maintenance of business vehicles.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow for building additions to an existing single-family dwelling to provide deficient front and side setbacks with deficient open space.
- ◇ The subject site is categorized as having a terrace frontage, which requires a minimum ten-foot front yard setback. Additionally, a single-story entry feature may not project more than five feet from the front lot line. The proposed front porch would have a three-foot front yard setback and would not meet the five feet required from the front lot line.
- ◇ Because it is unclear whether the porch addition would be one-story, enclosed, or open on three sides, Staff requested that building elevations be provided to verify the massing of the front addition as well as that of the remaining structure.
- ◇ The D-5 district in the Compact Context area for a Detached House-Small Lot requires five-foot side setbacks and 40% open space. The request would propose a zero-foot west side yard setback, three-foot east side yard setback and an open space of 31 percent.
- ◇ There is an exception that allows up to a 50% one-time expansion along legally established nonconforming side yards. Staff is typically supportive of reasonable expansions, but in this instance the expansion of the building could trigger an open space deficiency where it would have otherwise been met. Therefore, staff would only support expansions along the nonconforming east and west setbacks so long as the 40% open space is met.
- ◇ Based on the site plan provided, there appears to be a sidewalk proposed along the eastern property boundary that would have a zero-foot setback when a minimum of two feet is required for minor residential features such as walkways. If the petitioner wishes to have this installed, they will need to amend the request for the addition of a zero-foot east setback for the sidewalk.
- ◇ In conclusion, staff is recommending denial of the request as submitted.

### **GENERAL INFORMATION**

THOROUGHFARE PLAN                      Sanders Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

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## **STAFF REPORT 2023-DV1-033 (Continued)**

SITE PLAN	File-dated June 27, 2023.
ADMMENDED SITE PLAN	File-dated August 1, 2023.
FINDINGS OF FACT	File-dated June 27, 2023.

### **ZONING HISTORY – SITE**

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

None.

### **ZONING HISTORY – VICINITY**

**2022-DV2-045; 1251 South Alabama Street** (west), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legalize the existing ten-inch front, rear and northern side yard setbacks (front setback of zero-ten feet required for Terrace Frontages, 20-foot rear yard, five-foot side yard setback required) with no off-street parking provided (one space required); and to provide for a roofline change along a non-conforming setback and vertical expansion (not permitted), all within the clear sight triangle of Alabama and the intersecting alley (encroachment of clear sight triangles not permitted), **granted**.

**2020-DV2-031; 301 Sanders Street** (west), Variance of development standards to provide for a single-family dwelling with a twelve-foot front setback, four feet between dwellings, 52 percent open space and a detached garage, with both buildings within the clear sight triangle of the abutting streets and alley, **granted**.

**2020-DV2-035; 333 Orange Street** (south), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second-story addition to an existing dwelling with a 12-foot front setback, a two-foot side setback, 4.5 feet between buildings and a detached garage with a zero-foot rear setback (18-foot front setback or average, three-foot side setback, five-foot rear setback required), **granted**.

**2019-DV1-031; 306 Sanders Street** (northwest), Variance to provide for a single-family dwelling with an eleven-foot front setback and five feet between dwellings, and a detached garage with an office, with 2.2-foot side setbacks and 50 percent open space in the D-5 district, **granted**.

**2019-HOV-033; 418 Sanders Street** (northeast), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage accessory to a single-family dwelling, with six feet between dwellings and 52% open space (10 feet between dwellings and 60% open space required), **granted**.

(Continued)

## **STAFF REPORT 2023-DV1-033 (Continued)**

**2019-HOV-044; 416 Sanders Street** (northeast), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 10-foot front setback, three-foot and nine-foot separations from dwellings and a detached garage with 57% open space (18-foot front setback or average, 10-foot separation and 60% open space required), **granted**.

**2018-DV1-001; 317 Orange Street** (southwest), Variance of development standards to provide for a single-family dwelling, with an eight-foot front setback, with eight feet between primary dwellings, a detached garage with three-foot side setbacks, and with an open space of 54%, **granted**.

**2018-HOV-088; 350 Parkway Avenue** (northeast), Variance to provide for two single-family dwellings on existing 3300-square foot lots, with six-foot front setbacks, with 3.5 feet and seven feet between dwellings, and an open space ratio of 45 percent and 47 percent, **approved**.

**2017-HOV-021; 346 Sanders Street** (northeast), Variance to provide for a detached garage with an open space of 49 percent in a D-5 district, **approved**.

**2016-DV3-027; 325 Sanders Street** (west), Variance of development standards to provide for a single-family dwelling, with six feet between primary buildings, and with a 12-foot front setback, **granted**.

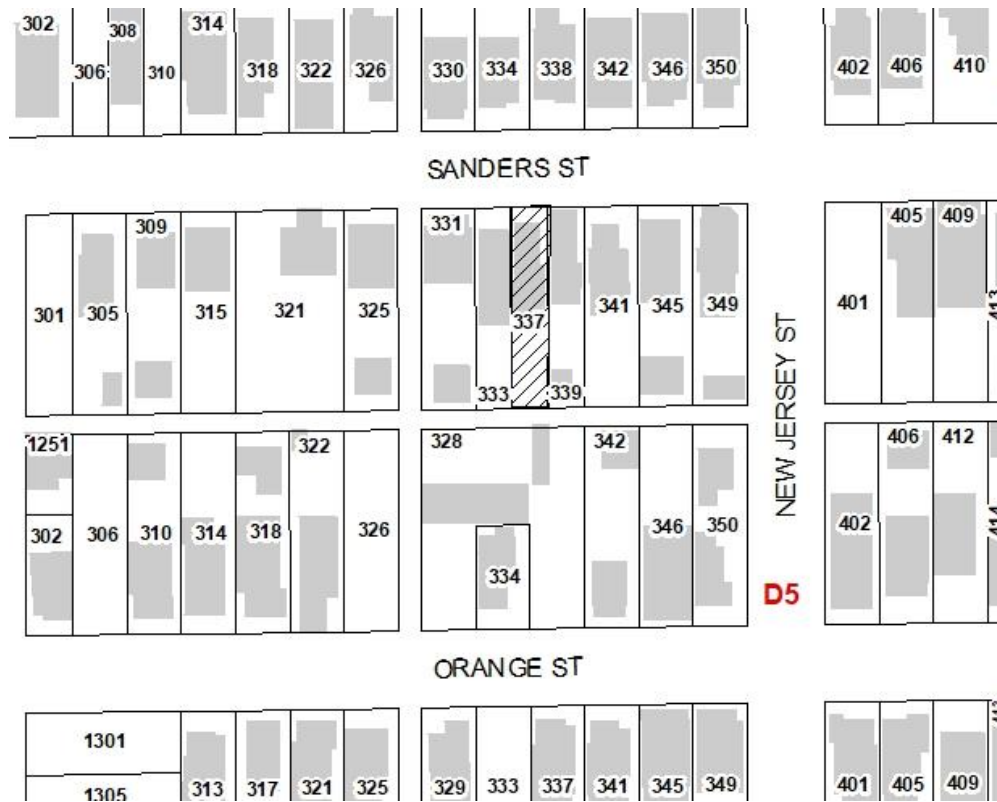
**2016-HOV-28; 345 Orange Street** (southeast), Variance to permit construction of a deck and detached garage, creating 48 percent open space, **granted**.

**2003-LNU-029; 330 East Orange Street** (south), Certificate of legal non-conforming use for office, warehouse, and maintenance of business vehicles, **granted**.

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## 2023-DV1-033; Location Map



## 2023-DV1-033; Aerial Map



## 2023-DV1-033; Site Plan

D-5

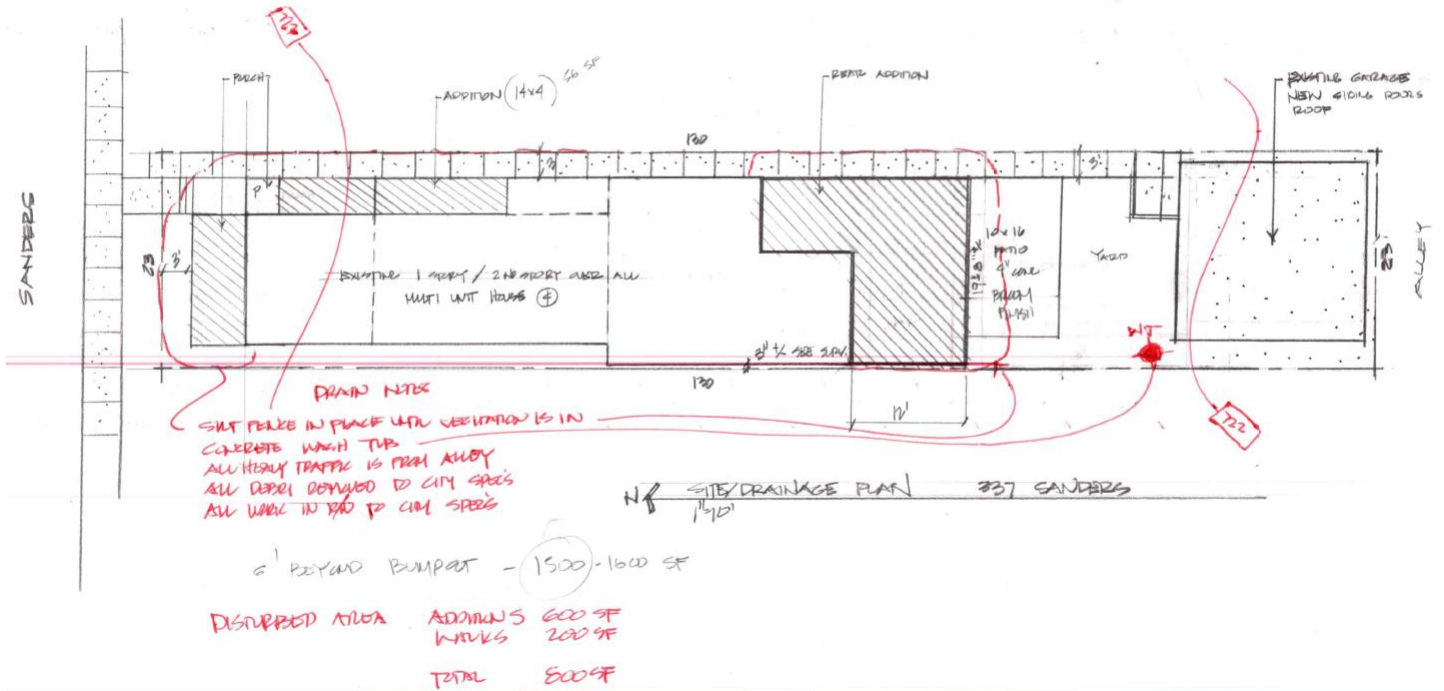
Lat 23x30 2990 sq ft

EXISTING HALLS 1,040 SF + GARAGE 342 = 1,390 SF = .53% OPEN SPACE

W/ADDITIONS 1,600 SF + GARAGE 392 = 1,992 SF = .34% OPEN SPACE (ALT 69% OPEN)

VARIABLES 3' FRONT YARD - 0' REAR YARD (3' FRONT YARD PROX AV?) 23' LOT WIDTH 131% OPEN SPACE

♂ WALK ASTRAK GINGER FAMILY



**2023-DV1-033; Amended Site Plan**

D-5

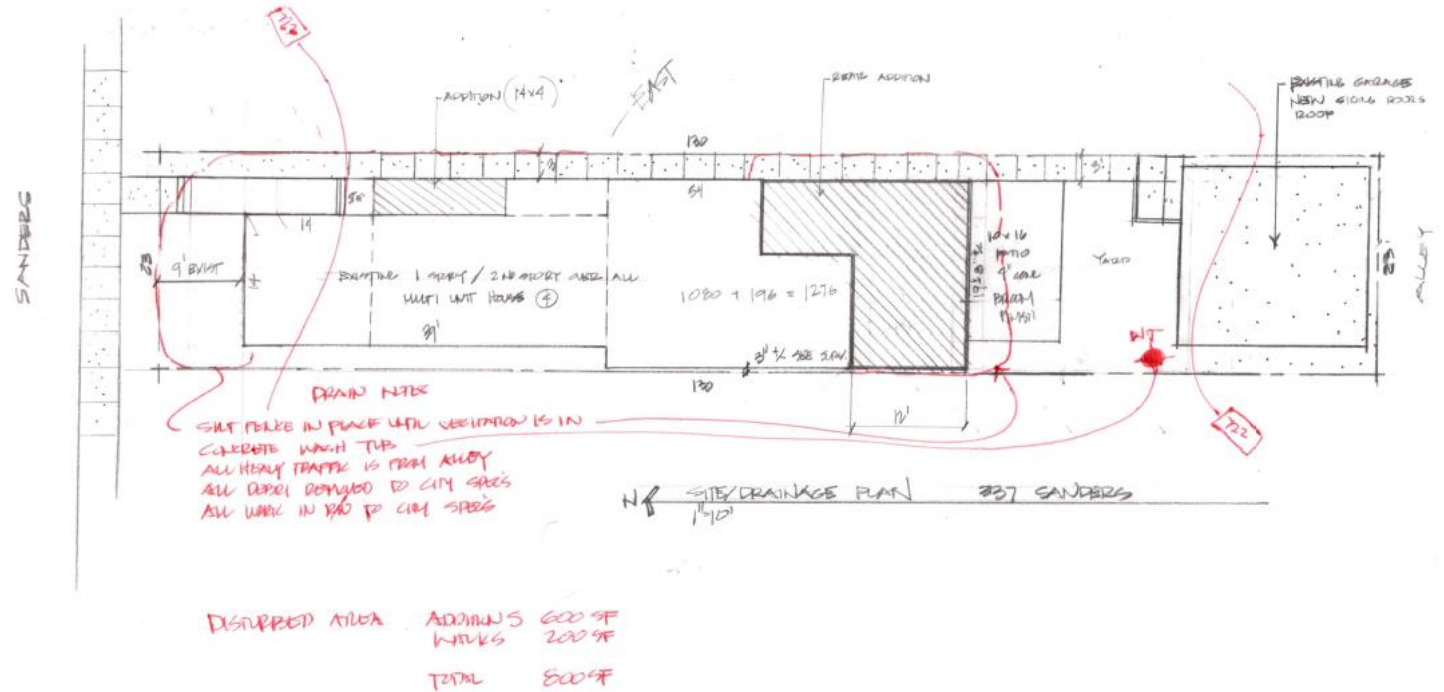
Lot 23x30 2990 sq ft

EXISTING HOUSE 1,040 SF, GARAGE 342 = 1,390 SF = .53% OPEN SPACE

W/ADDITIONS 1,270 SF + GARAGE 392 = 1,662 SF = .69 CR 46 ORD

VARIABLES 2' REAR YARD - 0' WEST YARD 23' LOT WIDTH 145% OPEN SPACE (ORIG 53% OPEN)

$\sigma^1$  WALK ASTERACE GINGER FAMILY





**2023-DV1-033; Photographs**



Photo of the Subject Property: 337 Sanders Street



Photo of the existing front yard setback and the proposed location of the porch addition.



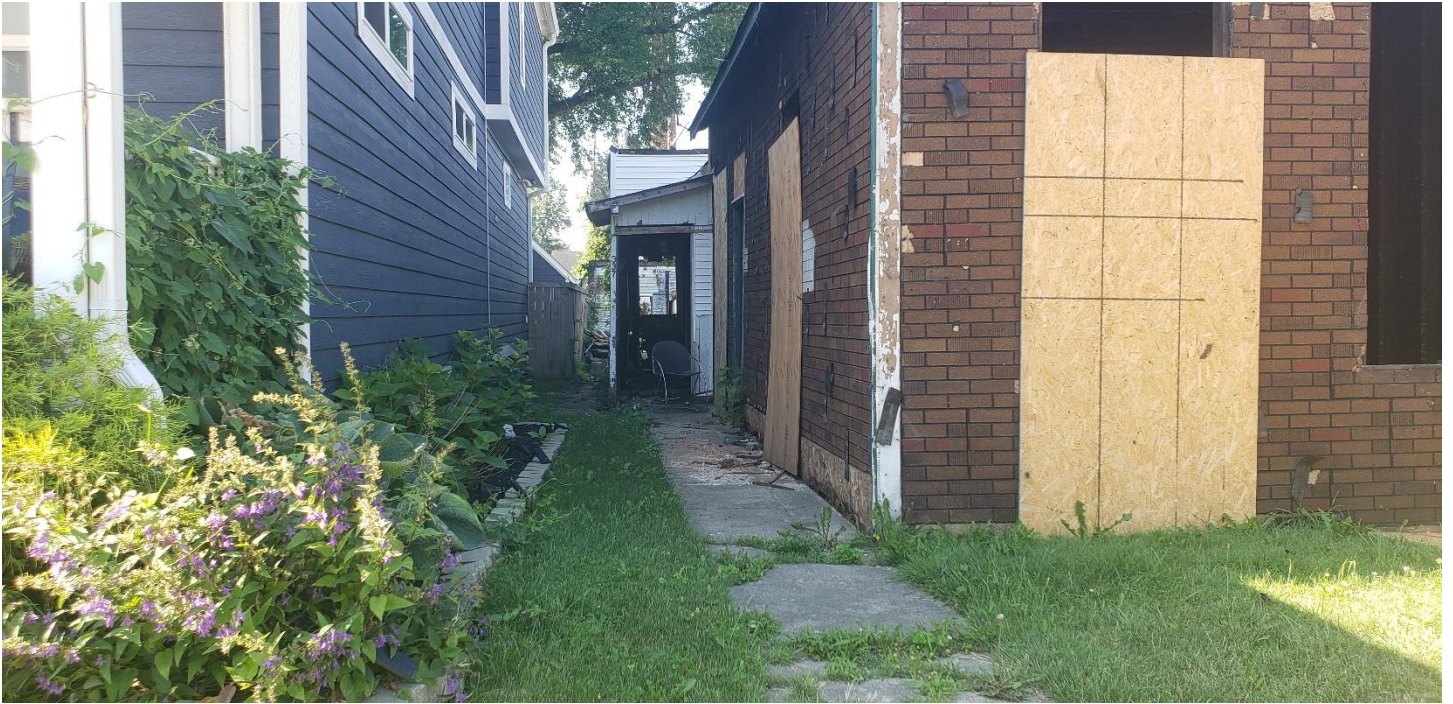


Photo of the existing east side setback.



Photo of the existing west side setback.





Interior photo of the existing building foundation.



Interior photo of the existing building looking south.





Photo of the alley south of the subject site.



Photo of the rear of the house.





Interior photo of the existing garage.



Interior photo of the existing garage.