

## STAFF REPORT

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

**Case Number:** 2023-DV1-036  
**Address:** 914 Harlan Street (approximate address)  
**Location:** Center Township, Council District #17  
**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 an addition to an existing single-family dwelling resulting in a six-foot front setback (minimum 10-foot front setback required) and a three-foot north side yard setback (five-foot side yard setback required) with a sidewalk maintaining a zero-foot side yard setback (sidewalks must be at least two feet from side lot lines).

### ADDENDUM FOR AUGUST 15, 2023

Due to a lack of quorum, this petition was continued from the August 1, 2023, hearing, and transferred to the August 15, 2023, hearing at the request of the petitioner.

### August 1, 2023

### RECOMMENDATIONS

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

The variance grant shall be subject to the amended elevations, file-dated July 24, 2023.  
Any change in the amended elevations will require Administrator's Approval.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

D-5 Single -family dwelling under renovation

##### SURROUNDING ZONING AND LAND USE

North - D-5	Single-family dwelling
South - D-5	Single-family dwelling
East - D-5	Single-family dwelling
West - D-5	Single-family dwelling

##### COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood uses for the site.

(Continued)

## **STAFF REPORT 2023-DV1-036 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The D-5 district is intended for areas of medium intensity single-family residential development. This district is designed for urban, built-up areas of the community, and two-family dwellings are permitted on any lot in this district. The district has a typical density of 4.5 units per acre. The Fountain Square neighborhood has historically had smaller lots with small setbacks between houses. The variance requests would not be out of character for this area.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide sufficient buffering to prevent the lateral expansion of fires, as well as the operation of emergency equipment in such situations.
- ◇ The proposed front setback would roughly match the setbacks of other existing dwellings in the area. However, the other similar front setbacks consist of open-air porches. The proposed front addition was originally designed to be enclosed on the sides but was amended to provide for side openings as indicated in the July 24, 2023, file-dated elevations. With the open sides, the setback would have the feel of a front porch, similar to adjacent properties. Staff feels the request for a six-foot front setback would be a minor deviation from the Ordinance. Any approval of this request should be subject to the amended elevations as a commitment.
- ◇ The proposed three-foot north side yard setback would be an extension of the existing dwellings original three-foot north side setback. Therefore, In Staff's opinion, in this instance, there would be no negative impact to the adjacent property. Staff feels the request for a three-foot north setback would be a minor deviation from the Ordinance
- ◇ The requested sidewalk maintaining a zero-foot side yard setback is largely a result of the small size of the lot. The lot width at 35 feet wide, meets the D-8 district minimum standards. However, this site is within the D-5 district, which includes standards that would be difficult to meet, particularly when proposing development consistent with the neighborhood. Therefore, there is a practical difficulty in complying with the width-based development standards for building separation.
- ◇ 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**

#### **THOROUGHFARE PLAN**

This portion of East Woodlawn Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing right-of-way and a 48-foot proposed half right-of-way.

#### **SITE PLANS**

File-dated July 5, 2023.

#### **ELEVATIONS (AMENDED)**

File-dated July 24, 2023.

#### **FINDINGS OF FACT**

File-dated July 5, 2023.

(Continued)

## **STAFF REPORT 2023-DV1-036 (Continued)**

### **ZONING HISTORY**

**2020-DV3-021; 2112 East Woodlawn Avenue (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage, with 4.5 and six feet between dwellings, a seven-foot front setback, and 50% open space (10 feet between dwellings, 18-foot front setback or average and 60% open space required), **granted**.

**2019-DV3-012; 915 Dawson Street (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing single-family dwelling, with an eight-foot front setback, a two-foot south side setback and to legally establish an existing garage with a zero-foot rear setback within the clear sight triangle of the abutting alleys and to provide for 50% open space, **granted**.

**2017-HOV-062; 2127 Pleasant Street (east of site)**, requested a variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish a single-family dwelling, with a 2.5-foot west side setback, a six-foot front setback and five feet between dwellings, and a detached garage, creating an open space of 50%, **granted**.

**2004-DV2-031; 1018 Harlan Street (south of site)**, requested a variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a 902-square foot single-family dwelling with a 180-square foot front porch with an eleven-foot front yard setback from the existing right-of-way of Harlan Street with an eight-foot aggregate side yard setback, and with a 1,247.68-square foot detached rear yard deck with a 90-square foot cabana and a 453-square foot in-ground swimming pool and deck with a zero-foot north and side yard setback resulting in 1,700.68 square feet of accessory use area or 188.55 percent of the total floor area of the primary dwelling, and with a 7.60-foot tall fence, **granted**.

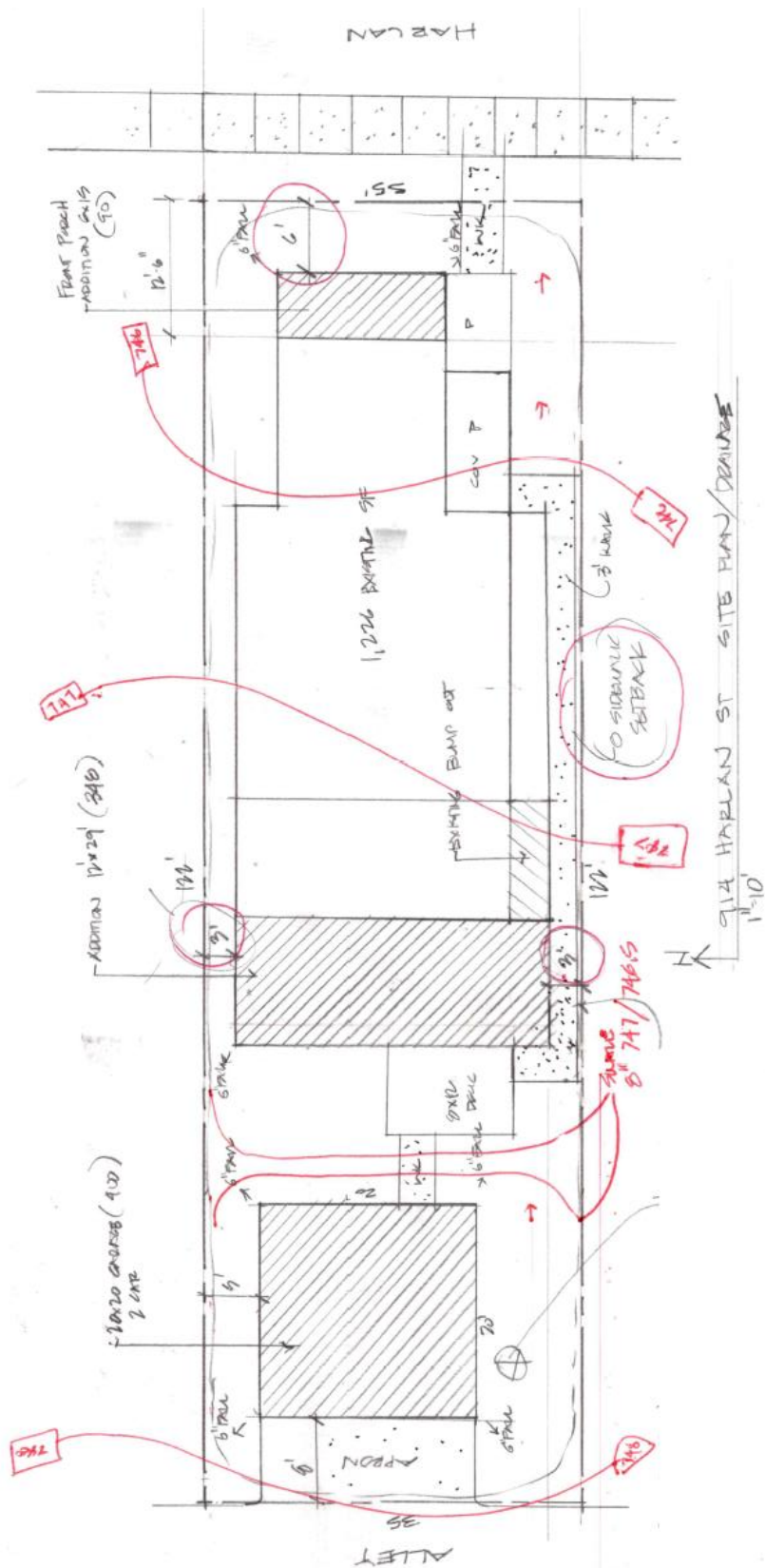
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**2023-DV1-036; Location Map**



2023-DV1-036; Site Plan





**2023-DV1-036; Elevations (Amended) file-dated July 24, 2023**



**2023-DV1-036; Photographs**



Subject site, looking west.



Subject site, proposed six-foot front setback, looking north.





Subject site proposed area for addition with three-foot north side setback, looking east.



Subject site proposed area for sidewalk with a zero-foot side yard setback, looking east





Adjacent properties to the north of subject site, looking west.



Adjacent property to the south of subject site, looking west.