

## STAFF REPORT

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

**Case Number:** 2023-DV2-002  
**Address:** 1449 Olive Street (approximate address)  
**Location:** Center Township, Council District #21  
**Zoning:** D-5 (TOD)  
**Petitioner:** Mina Hawk  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot corner side yard setback and a three-foot north side yard setback (eight-foot corner side yard, five-foot side yard setbacks required), within the clear sight triangle of the intersection of the alley and Cottage Avenue (encroachment not permitted).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-5	Single-family dwelling
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##### **SURROUNDING ZONING AND LAND USE**

North - D-5	Single-family dwelling
South - D-5	Single-family dwellings
East - D-5	Single-family dwelling
West - D-5	Fraternal organization

##### **COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Traditional Neighborhood uses.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties. A setback of less than three feet from the property line requires additional fire-rating.

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## **STAFF REPORT 2023-DV2-002 (Continued)**

- ◇ The proposed three-foot corner side yard setback and the three-foot north side yard setback would roughly match the setbacks of the existing single-family dwelling on the subject site. In addition, the existing right-of-way along this portion of East Cottage Avenue is 60 feet, which exceeds the proposed 48-foot right-of-way, and encroaches into the subject site corner side yard approximately 12 feet from the sidewalk. Therefore, the proposed garage would have a setback of 15 feet from the sidewalk and would meet the intent of the corner side yard setback. Therefore, Staff believes that the requested reduced setbacks for the garage would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ The Ordinance, specifically 744-503.H, states “no obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet and 8 feet above grade level of the adjoining right-of-way within a Clear Sight Triangular Area.” The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ The clear site triangle as shown on the site plan is incorrect, as it shows a measurement of 20 feet by 100 feet. The actual measurement should be 40 feet by 75 feet.
- ◇ The proposed garage encroachment into the clear sight triangle is primarily a result of the short length of the lot, compared to other lots in the area. The lot at approximately 120 feet in length, has limited area to move the proposed garage out of the clear site triangle, compared to other lots on the block further north that are approximately 180 feet in length. In addition, the adjacent alley is minor and only serves five other parcels, of which only three currently have garage access. Therefore, vehicle usage of the alley would be minimal compared to other alleys in the area. Staff would also point out the previously mentioned 60 foot right of way along this portion of Cottage Avenue that encroaches into the side yard approximately 12 feet, providing the garage with an actual 15-foot setback from the sidewalk. Although still deficient by the clear site triangle standards, this does provide for an approximate car length of clear site viewing of oncoming traffic and pedestrians. Therefore, Staff believes that the requested encroachment into the clear site triangle would represent a minor deviation from the Ordinance.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

This portion of Olive Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

This portion of Cottage Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

### **SITE PLAN**

File-dated February 1, 2023.

### **FINDINGS OF FACT**

File-dated February 1, 2023.

(Continued)

## **STAFF REPORT 2023-DV2-002 (Continued)**

### **ZONING HISTORY**

**2019-HOV-015; 1502 Laurel Street (east of site)**, requested a variance of development standards to provide for a detached garage for an existing two-family dwelling with a one-foot south side setback and a zero-foot northside setback, a 7.5-foot front setback from Laurel Street and 48% open space, **granted**.

**2018-HOV-012; 1246 Cottage Avenue (east of site)**, requested a variance of development standards to provide for a single-family dwelling, with six-foot and 3.5-foot front setbacks, with four feet between primary dwellings, a detached garage with a 4.5-foot front setback, and with an open space of 48%, **granted**.

**2018-HOV-078; 1515 Olive Street (south of site)**, requested a variance of development standards to provide for a single-family dwelling and a detached garage with a two-foot north side setback and two feet and three feet between primary dwellings, **granted**.

**2017-DV1-036; 1426 and 1430 Olive Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling (1426) and garage, creating an open space of 58%, and with a 10-foot front yard, a one-foot south side yard, and with two feet and seven feet between dwellings, and to legally establish a dwelling (1430), with a 10-foot front setback, a one-foot north side setback and two feet between dwellings, **granted**.

**2017-DV1-073; 1222 and 1226 Cottage Avenue (east of site)**, requested a variance of development standards to provide for the construction of a single-family dwelling and attached garage, with a 10-foot front setback, with a three-foot separation between dwellings and an open space of 50% for 1222 Cottage Avenue, and the construction of a single-family dwelling and attached garage, with a 10-foot front setback, with a four-foot separation between dwellings and an open space of 56% for 1226 Cottage Avenue, **granted**.

**2017-HOV-020; 1209 Cottage Avenue (south of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition to a single-family dwelling, creating 46% open space, with a 10.7 rear setback, with a one-foot east side setback and nine feet between buildings, **granted**.

**2016-HOV-001; 1433 Olive Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 440-square foot detached garage, with three-foot north and south side setbacks, creating a six-foot aggregate side setback and 40% open space, **granted**.

**99-UV3-96; 1434-1446 Olive Street (west of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a parking lot associated with a fraternal organization, **granted**.

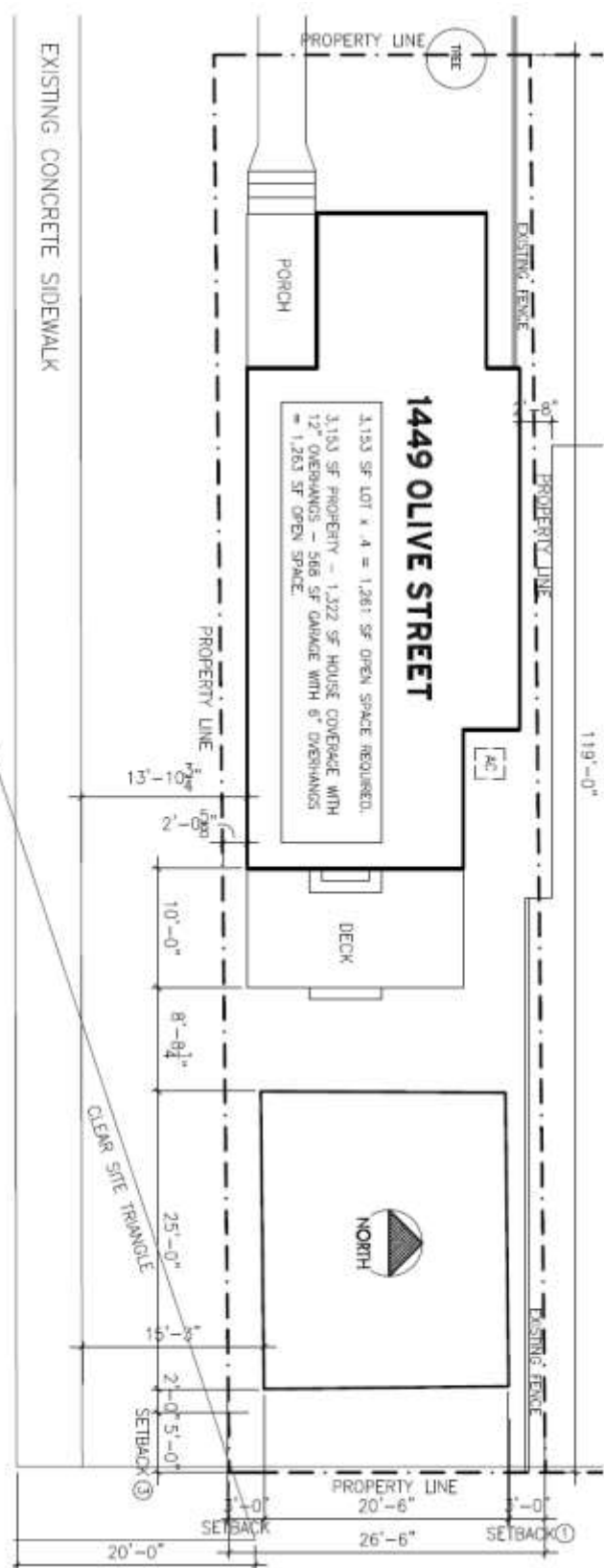
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**2023-DV2-002; Location Map**



## COTTAGE AVENUE





**2023-DV2-002; Photographs**



Front of subject site, looking east.



Rear of subject site, looking west.



Rear alley view of the clear site triangle looking southwest.



Cottage Avenue view of the clear site triangle looking northeast.





Adjacent properties to the east, looking north.



Adjacent properties to the north, looking east.