

## STAFF REPORT

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

**Case Number:** 2022-UV3-022  
**Address:** 830 River Road (Approximate address)  
**Location:** Center Township, Council District # 16  
**Petitioner:** Two Chicks & A Hammer 830 LLC, by Austin Aynes  
**Request** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a three-story duplex (maximum height of 2.5-stories permitted) on a 40-foot wide, 6,000-square foot lot (60-foot lot width, minimum area of 7,200 square feet required), with an open space of 48% (60% required), with a third and fourth dwelling within a detached garage (not permitted), with mechanical equipment, walking paths and patios encroaching within the side yard setbacks (five-foot setback required, walking paths must be two feet from side lot lines).

#### **ADDENDUM FOR MARCH 14, 2023, BOARD OF ZONING APPEALS, DIVISION TWO**

This petition was continued from January 10, 2023, hearing to March 14, 2023, hearing. The petitioner has requested a continuance to the May 16, 2023, for additional time to submit staff requested revised plans.

#### **ADDENDUM FOR JANUARY 10, 2023, BOARD OF ZONING APPEALS, DIVISION TWO**

This petition was continued from November 15, 2022, hearing to January 10, 2023, hearing. As of this writing, no new information has been submitted to the file.

#### **ADDENDUM FOR NOVEMBER 15, 2022, BOARD OF ZONING APPEALS, DIVISION TWO**

This petition was continued and transferred from the October 18, 2022, Division Three hearing to November 15, 2022, Division Two hearing. As of this writing, no new information has been submitted to the file.

#### **OCTOBER 18, 2022, BOARD OF ZONING APPEALS, DIVISION THREE**

A request to **continue** and **transfer** this petition was submitted by a registered neighborhood group to Board II for hearing on **November 15, 2022**. Staff would not object to this request.

#### **RECOMMENDATIONS**

Staff **recommends denial** of the variance request. If the request would be amended to only request a duplex and the open space variance amended to 55% staff would **recommend approval**.

(Continued)

## **STAFF REPORT 2022-UV3-022 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

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

D-5 (RC) Compact      Undeveloped

##### **SURROUNDING ZONING AND LAND USE**

North - D-5 (RC)	Single-family dwelling
South - D-5 (RC)	Two-family dwelling
East - D-5 (RC)	Single-and two-family dwellings; four-unit dwelling
West - D-5 (RC)	Single-family dwellings

**COMPREHENSIVE PLAN**      The Comprehensive Plan recommends Traditional Neighborhood development.

- ◇ This 0.138-acre parcel is unimproved. This area, named The Valley, is generally characterized as a mix of single- and two-family dwellings within the neighborhood and commercial retail and vehicle-related businesses along Oliver Avenue. This site is less than two blocks south of the former GM Stamping Plant site, which is being redeveloped into a mixed-use development, with offices, hotels, multi-family dwellings and an extension of White River State Park. This neighborhood dates at least to 1898, according to *Sanborn Fire Insurance Maps*.

#### **ORDINANCE**

- ◇ The Consolidated Zoning and Subdivision Ordinance was amended in November 2021. This amendment included new Walkable Neighborhood Dwelling Districts use and development standards. The D-5 zone is included in these standards. The Walkable Neighborhood Dwelling Districts standards implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. The Valley Neighborhood has many of these items already in place.
- ◇ The Walkable Neighborhood Dwelling Districts standards for D-5 would permit a multi-unit house within the main structure, without the need for a variance. A multi-unit house would be up to four units. All dwelling units would be required to be within the main structure, however, the four dwelling units that are requested with this petition could be permitted without the need for a variance.

(Continued)

## **VARIANCES / REGIONAL CENTER**

- ◇ This petition would provide for new development on a 40-foot-wide lot that would consist of a duplex structure and a separate structure that would include two additional dwelling units, plus garage parking. Several development standards variances are requested, including height of the main structure at three stories, open space of 48%, and mechanical equipment, walking paths and patios encroaching into the side yard setbacks.
- ◇ A duplex would be permitted on this D-5 lot if the lot would be 60 feet in width with land area of 7,200 square feet. The lot is 40 feet in width and 6,000 square feet in size. Staff would support a duplex if most of the other variances would be withdrawn from consideration. A duplex would not be out of character of this neighborhood. Staff would support an open space of 55%, as opposed to the requested 48%. The accessory structure could be reduced in size to be closer to the required 60% open space.
- ◇ Two secondary dwelling units are requested within a separate structure to west of the main structure. The Ordinance permits one secondary dwelling unit if the main structure is a single-family dwelling. The request for two secondary dwelling units on a lot with a duplex, represents a gross intensification of the Ordinance requirements. Additionally, this request would not be compatible with the neighborhood.
- ◇ The proposed encroachment of mechanical equipment, walking paths and patios into the side yard setbacks and a reduction in the open space to 48% would be a clear indication of over-development of the site. There is no practical difficulty demonstrated in these development standards request.
- ◇ The site is located within the Regional Center overlay district. Since the adoption of the Regional Center on November 17, 1970, design of renovations, new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to compliance to the Regional Center Secondary District regulations, along with zoning district development standards. A Regional Center Approval has been filed for this development via 2022-REG-008.

## **SITE PLAN / ELEVATIONS**

- ◇ The proposed site plan indicates that the main structure would have individual entries to each of the two units, with backyard areas for each of these units. The accessory structure would include two dwelling units that may or may not have visibility to the street or alley. If this petition would be approved, the secondary dwelling unit entries must be visible to the street or alley, for safety purposes.
- ◇ Patios, walking paths and mechanical equipment would encroach into the required side yard setbacks. In the rear, a concrete drive would access the vehicle entries into the garage, from the alley.

(Continued)

## **STAFF REPORT 2022-UV3-022 (Continued)**

- ◇ The elevations for the main structure indicate that a portion of this structure would be three stories in height. The Ordinance requires a maximum of 2.5-stories. The dwellings that abut

this site are single-story. A three-story structure would be out of character for this neighborhood and would impact the adjacent dwellings in a negative manner. Additionally, there is no practical difficulty demonstrated as the structure could be re-designed with minimal effort to meet the maximum 2.5-story height.

SITE PLAN	File-dated July 8, 2022
Amended	File-dated August 15, 2022
FINDINGS OF FACT	File-dated July 8, 2022
Amended	File-dated September 19, 2022.

### **ZONING HISTORY - SITE**

None.

### **ZONING HISTORY - VICINITY**

**2022-HOV-001; 835 Birch Avenue**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with three-foot side yard setbacks and a fifteen-foot rear yard setback, **granted**.

**2021-DV1-078; 673 River Avenue**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a five-foot rear setback and a five-foot side yard setback, **granted**.

**2021-DV2-056; 649 Birch Avenue**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 6,750-square foot lot, 45-foot-wide lot with 49% open space, **granted**.

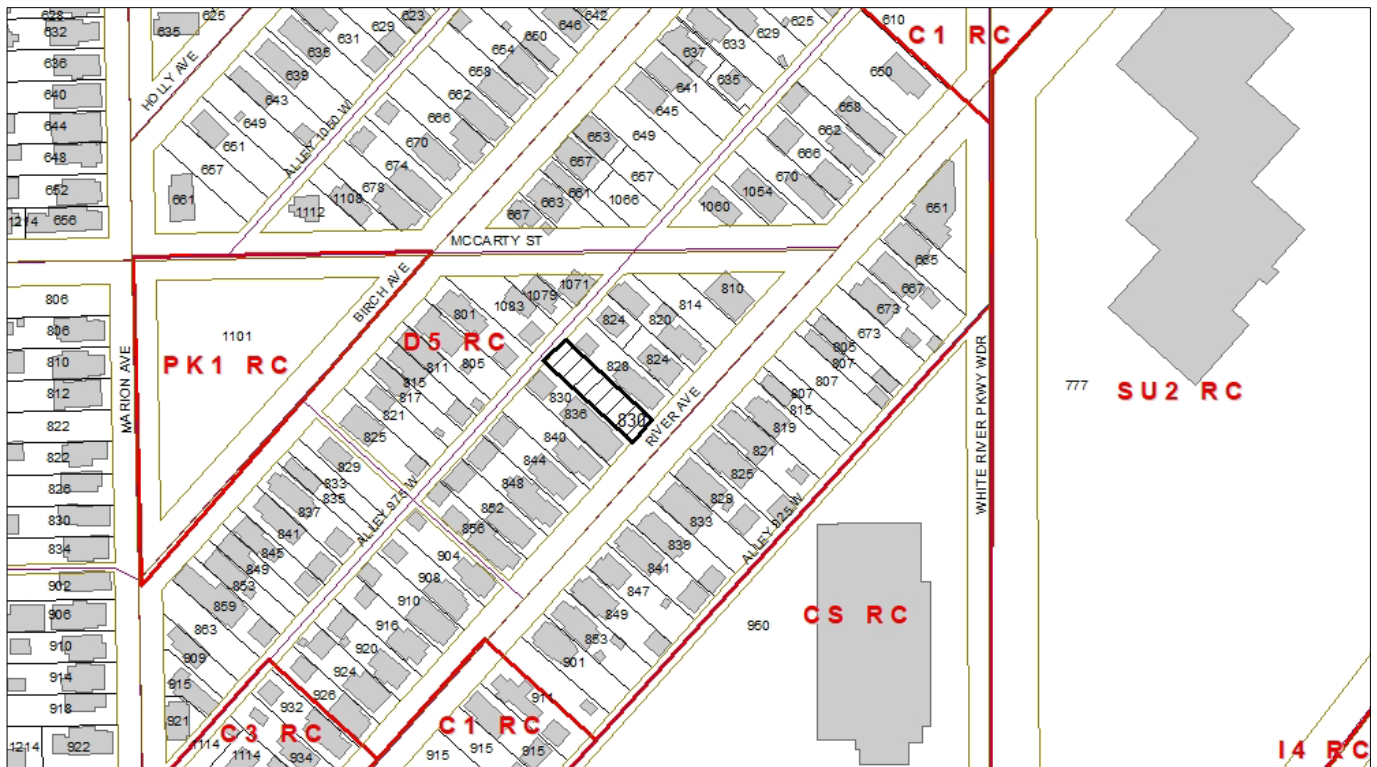
**2021-REG-051; 649 Birch Avenue**, requested Regional Center Approval to provide for a two-family dwelling, **approved**.

**2018-DV2-001; 833 Birch Avenue**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a one-foot side yard setback and 43.5% open space, **granted**.

**95-UV1-135; 1173 Oliver Avenue**, requested a variance of use of the Commercial Zoning Ordinance to provide for automobile sales, **granted**.

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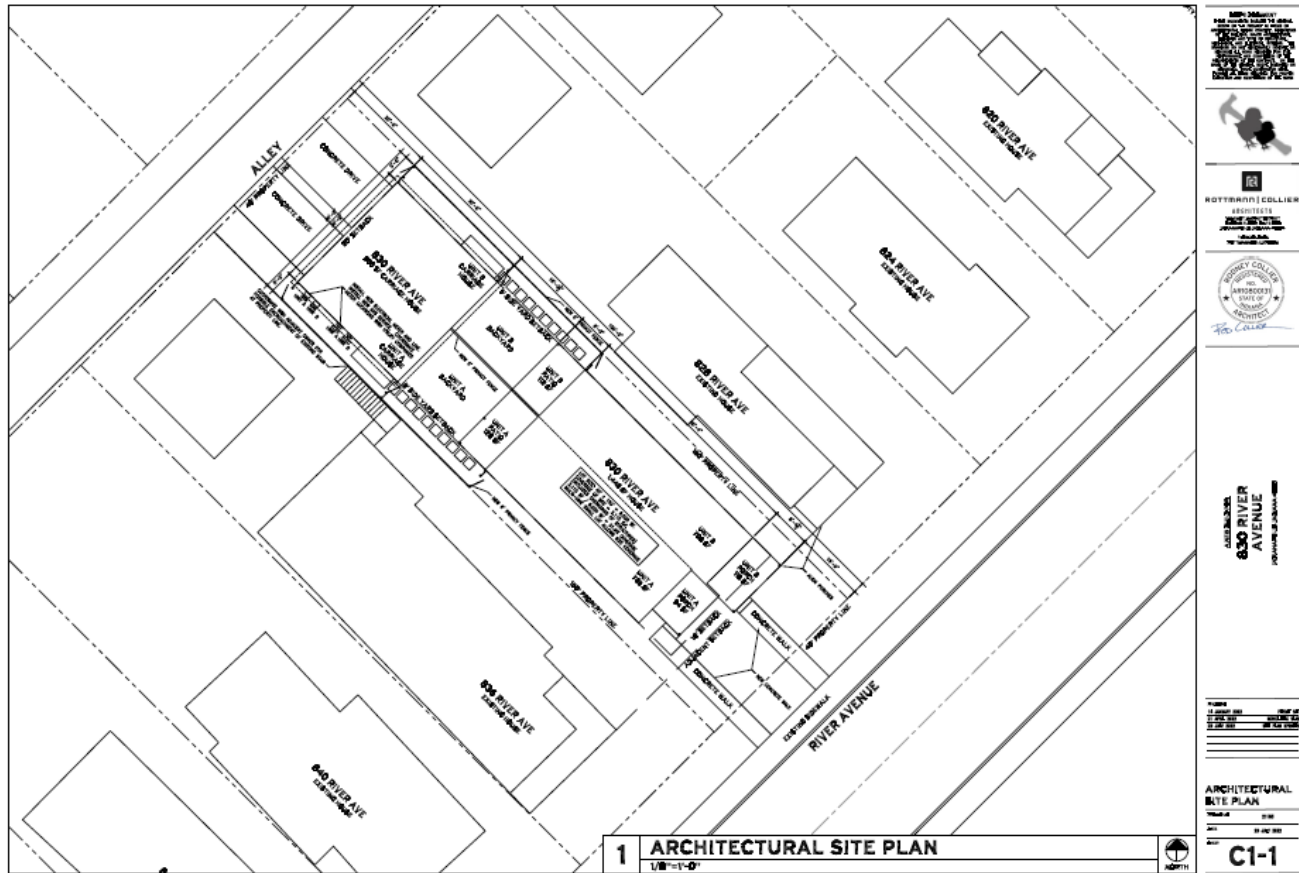


Map of site and surrounding parcels

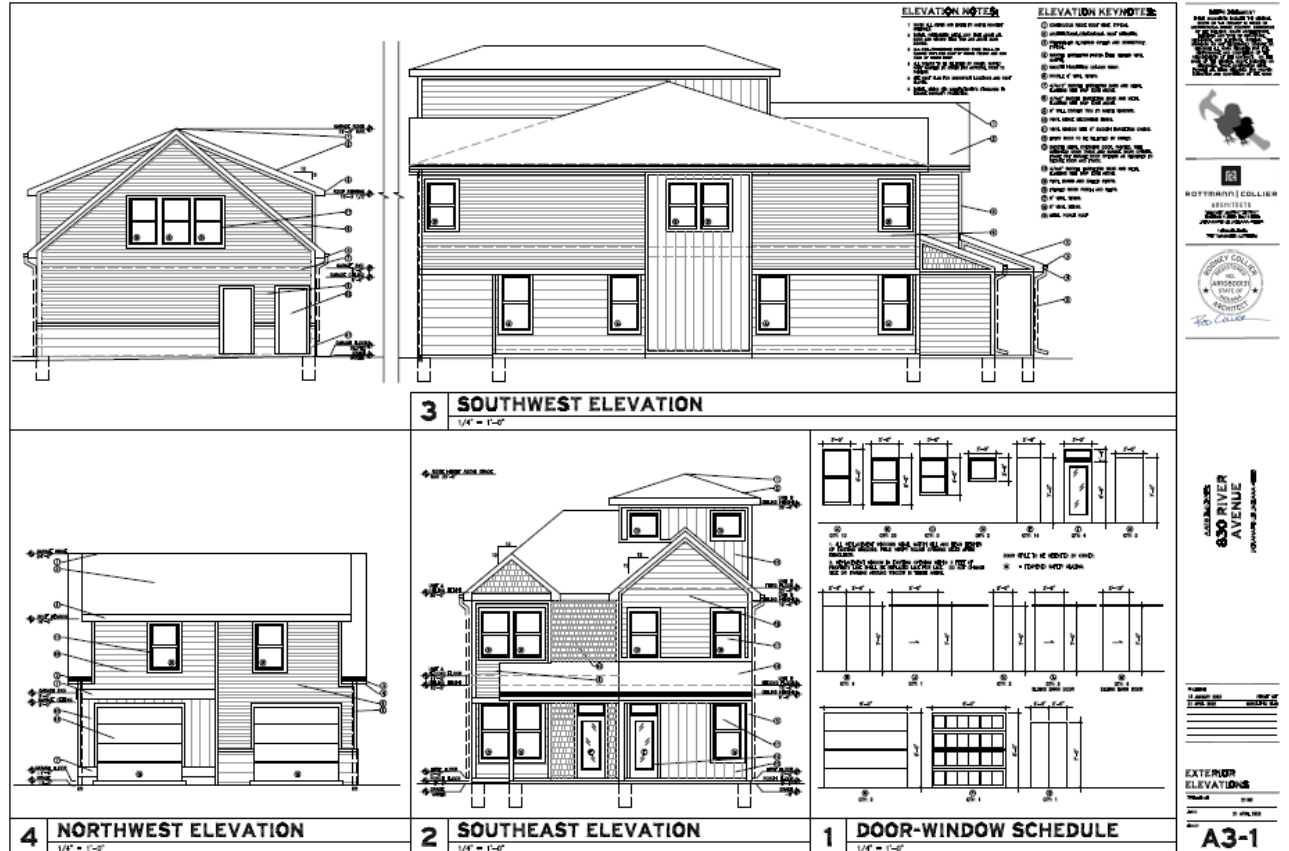


Aerial of site and surrounding neighborhood

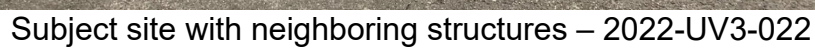
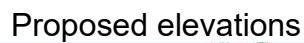




Site plan



Proposed elevations - 2022-UV3-022







Subject site with neighboring structures



Views of neighboring structures - 2022-UV3-022





Views of neighboring structures



Views of duplex across the street - 2022-UV3-022





Views of duplex across the street  
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