

## STAFF REPORT

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

**Case Number:** 2023-DV1-049  
**Address:** 614 East Terrace Avenue (approximate address)  
**Location:** Center Township, Council District #21  
**Zoning:** D-5  
**Petitioner:** Mark Y Baker & Lynda L Baker, Trustees of Mark & Lynda Baker Trust, by Mark & Kim Crouch  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with three-foot east side yard setback and to legally establish an existing two-foot west side yard setback for a portion of the existing primary dwelling (five-foot side yard setback required).

### **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 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.

### **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.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks are intended to provide adequate space between structures for maintenance and sufficient buffering to prevent the lateral expansion of fires, as well as the operation of emergency equipment in such situations.

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## **STAFF REPORT 2023-DV1-049 (Continued)**

- ◇ The request for a two-foot west side yard setback for a portion of the existing primary dwelling would legally establish the setback that was part of the original 1906 construction of the dwelling and has existed since then. Staff believes that this reduced setback would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ The proposed three-foot side setback would roughly match the side setbacks of other rear accessory structures in the area. In addition, a driveway on the neighbor's property would be adjacent to the proposed garage, providing adequate separation from other structures. Therefore, Staff believes that the reduced setback would have no impact on the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ 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 Terrace Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.
SITE PLANS	File-dated August 28, 2023.
FINDINGS OF FACT	File-dated August 28, 2023.

### **ZONING HISTORY**

**2021-DV1-065; 630 Terrace Avenue (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 480 square-foot detached garage resulting in a lot open space of 50%, **granted**.

**2020-DV1-038; 714 Terrace Avenue (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage and the extension of a second-floor deck with an open space of 44 percent and a rear setback of five feet, **granted**.

**2020-HOV-011, 622 East Terrace Avenue (east of site)**, requested a variance to provide for the construction of a single-family dwelling and detached garage with 53 percent open space, **approved**.

**2018-DV2-014; 602 Terrace Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling, with a seven-foot front setback and a three-foot separation from the dwelling to the east, to provide for an attached garage and upper-level deck, with a nine-foot rear setback and 47% open space, **granted**.

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## **STAFF REPORT 2023-DV1-049 (Continued)**

**2017-DV3-038; 514 Terrace Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a breezeway and garage, with an eight-foot front setback, three feet between primary buildings, a three-foot rear setback and 49% open space, **granted**.

**2017-ZON-016; 1401 South East Street (west of site)**, requested the rezoning of several parcels including subject site, totaling 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

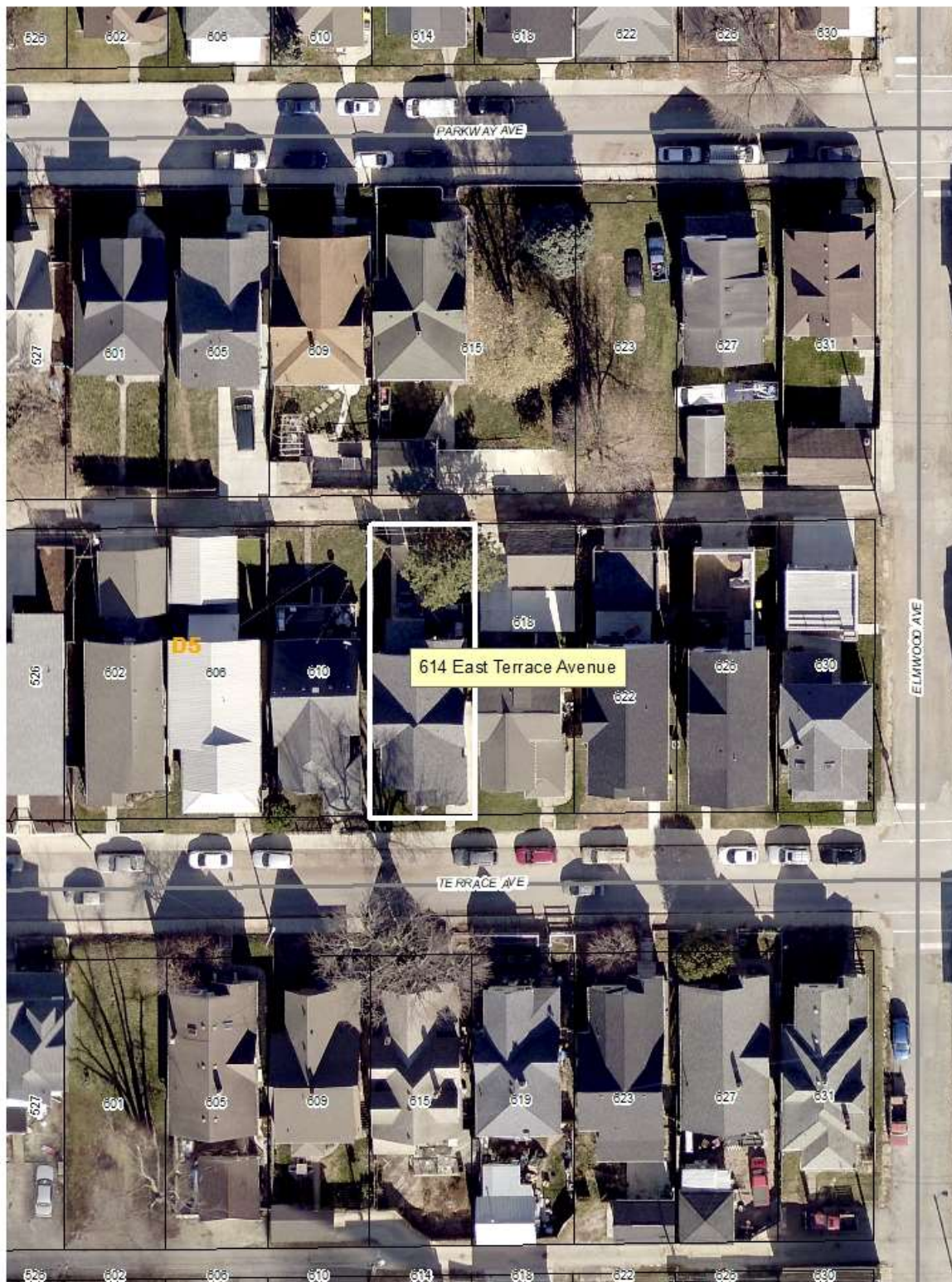
**2016-HOV-046; 606 Terrace Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an open space of 40%, **granted**.

**2001-HOV-054; 527 Parkway Avenue (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 14 by 20-foot addition to an existing 300 square foot detached garage with a 6-foot aggregate side-setback and a 3-foot rear setback, **granted**.

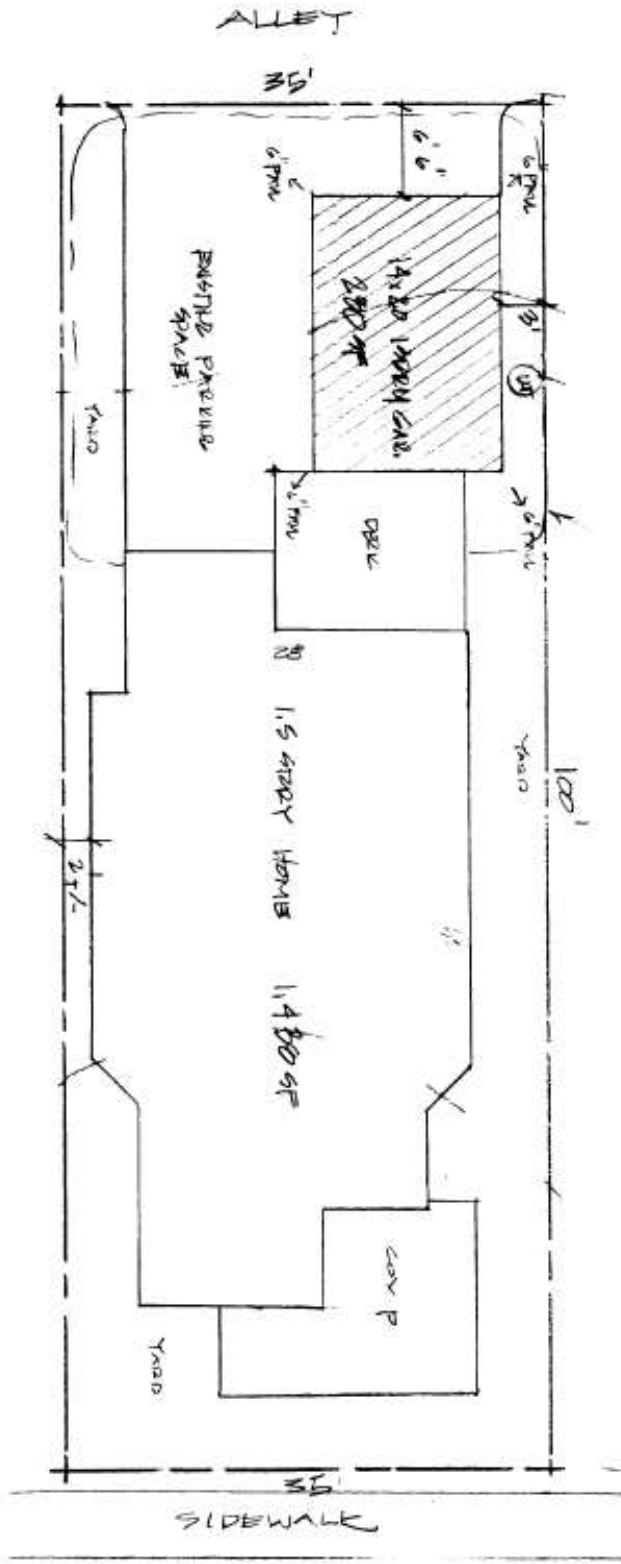
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**2023-DV1-049; Location Map**



2023-DV1-049; Site Plan





**2023-DV1-049; Photographs**



Subject site, looking north.



Subject site rear yard within fence, looking east.



Subject site proposed garage location with three-foot east side setback, looking south.



Subject site existing primary dwelling with two-foot west side setback, looking north.





Adjacent properties to the east, looking north.



Adjacent properties to the west, looking north.