

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV3-046 (2nd Amended)
Address: 1321 Sturm Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: D-8
Petitioner: Chase & Kristin Glassburn, by David Kingen & Emily Duncan
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing two-foot rear yard setback of Lot 24 (15-foot rear setback required); and on Lot 25, provide for:
 a) The construction of an addition, with a two-foot rear setback (15-foot rear setback required); and
 b) A six-foot fence within the front yard of Oriental Street (maximum 3.5-foot-tall fence permitted).

This petition was automatically continued by a registered neighborhood organization, from the November 2022, hearing, to the December 20, 2022, hearing.

A continuance for cause was requested by the petitioner, from the December 20, 2022, hearing, to the January 17, 2023, hearing, to allow time to submit additional information and amend the request.

A second continuance for cause was requested by the petitioner, from the January 17, 2023, hearing to the February 21, 2023, hearing, with additional notice, to amend the request.

A third continuance for cause was requested by the petitioner, from the February 21, 2023, hearing to the March 21, 2023, hearing, with additional notice, to amend the request.

RECOMMENDATIONS

Staff **recommends approval** of this second amended request.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-8	Single-family dwelling with a side yard
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SURROUNDING ZONING AND LAND USE

North - D-5	Single-family dwellings
South - D-8	Single-family dwellings
East - D-8	Single-family dwelling
West - D-8	Single-family dwelling

(Continued)

STAFF REPORT 2022-DV3-046 (Continued)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood uses, with an overlay for the Blue Line Transit Oriented Development.

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.
- ◇ The request to legally establish the existing two-foot rear dwelling setback, would have minimal impact as the existing setback has existed since approximately 1999, and has caused no problems to Staff's knowledge. The request to provide for a proposed addition, with a two-foot rear setback, would roughly match the rear setback of the existing dwelling. Therefore, Staff believes that the request to legally establish the existing two-foot rear dwelling setback and provide for a proposed addition with a two-foot rear setback, would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ Staff would note that the petitioner has indicated there will be a pass-through door between living spaces of the existing primary dwelling and the addition, indicating it is an expansion of the dwelling. If the addition is not connected internally to the primary dwelling or has a solid wall between the primary dwelling and the added space, then it would be considered as a second dwelling or duplex, and an additional variance may be required.
- ◇ The request to provide for a six-foot fence within the front yard of Oriental Street, is a result of the site having two street frontages. In this instance, the subject site was previously used as a side yard for the adjacent western lot. The proposed six-foot fence within the front yard of Oriental Street has been in existence since 2007. The fence is setback from the sidewalk approximately eight feet, with ornamental trees planted in between. Therefore, Staff believes that the requested six-foot fence within the front yard of Oriental Street would represent a minor deviation from the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Sturm 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.

This portion of Oriental Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 48-foot existing right-of-way, and a 56-foot proposed right-of-way.

SITE PLAN (AMENDED TWICE)

File-dated February 28, 2023.

FINDINGS OF FACT (AMENDED)

File-dated February 28, 2023.

(Continued)

STAFF REPORT 2022-DV3-046 (Continued)

ZONING HISTORY

2017-HOV-014; 1315 Sturm Avenue (west of site), requested a variance of development standards to provide for a single-family dwelling with a 15-foot front setback, and a seven-foot separation between dwellings, **granted**.

2017-DV2-041; 1310 Sturm Avenue (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, with a secondary dwelling, creating an open space of 50%, **granted**.

2014-DV3-016; 1301 Sturm Avenue (west of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 158-square foot screened porch addition, with an approximately 2.5-foot east side setback, creating an approximate 6.5-foot aggregate side setback, **granted**.

2011-DV3-018; 1402 East Vermont Street (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 24 by 32-foot accessory structure, with 50.7% open space, **granted**.

2005-DV2-048; 1315 and 1319 East Vermont Street (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 480-square foot detached garage with a zero-foot east side yard setback and a six-foot west side yard setback, **granted**.

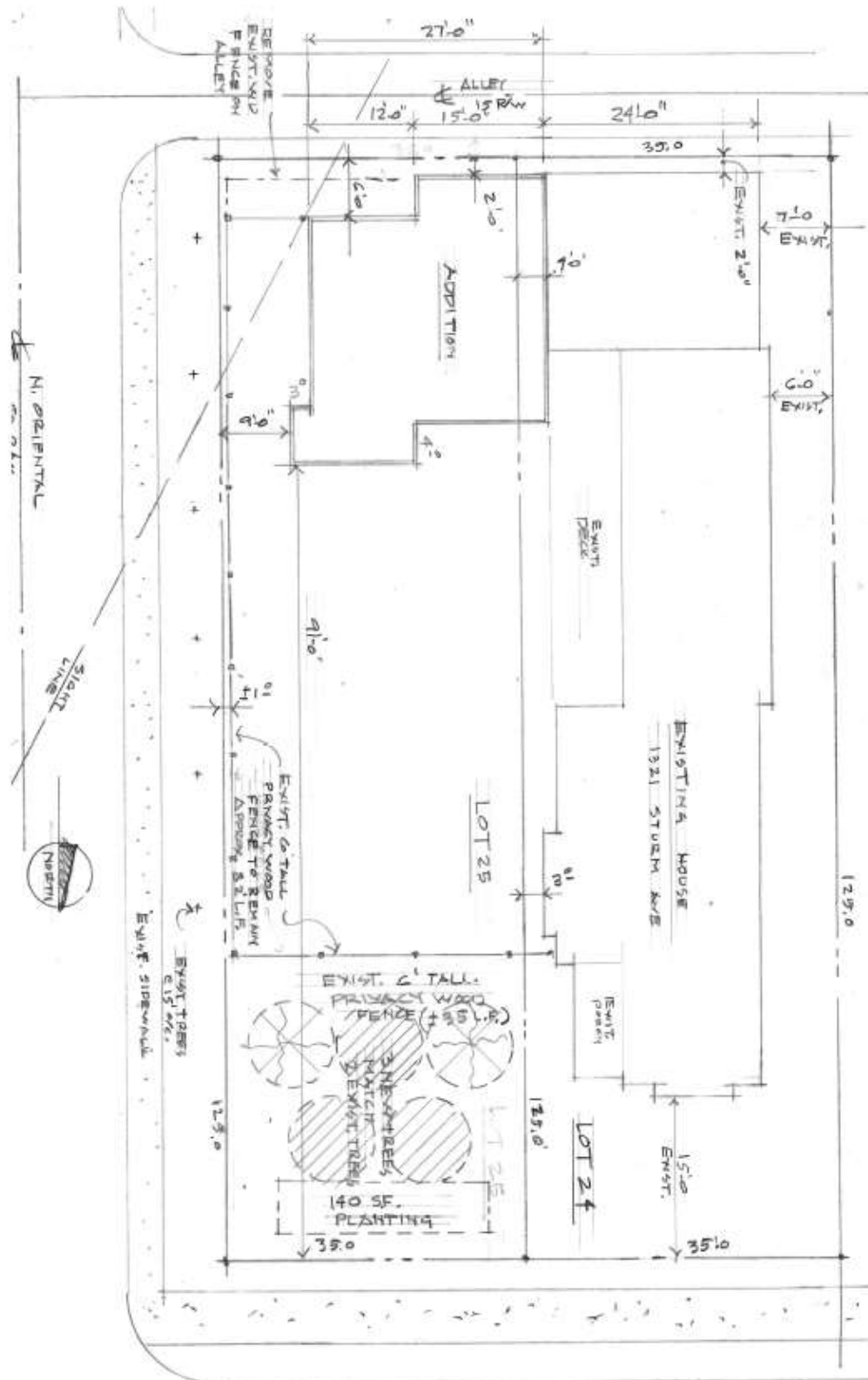
2001-UV3-035(b); 1320 East Vermont Street (south of site), requested a variance of development standards of the Dwelling District Zoning Ordinance to legally establish a two-foot side yard setback for the existing dwelling and a three-foot side yard setback for the existing garage, **granted**.

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2022-DV3-046; Location Map



2022-DV3-046; Site Plan (Second Amended)



2022-DV3-046; Photographs



Front of subject site lot 24, looking south.



Front of subject site lot 25, looking south.



Existing two-foot rear setback of the dwelling, and area of addition, looking northwest.



Existing six-foot fence in the front yard or Oriental Street, looking southwest.



Adjacent property to the north, looking northwest.



Adjacent properties to the east, looking southeast.