

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-023
Address: 3159 North Pennsylvania Street (approximate address)
Location: Center Township, Council District #9
Zoning: D-5 (TOD)
Petitioner: Nottingham Properties LLC, by Matthew Peyton
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a five-foot rear yard setback (20-foot rear yard setback required).

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Single-Family residential
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-Family residential
South	D-5	Single-Family residential
East	D-5	Single-Family residential
West	D-5	Single-Family residential

COMPREHENSIVE PLAN

The Comprehensive Plan recommends 5 to 8 Residential Units per Acre

SECONDARY ZONING DISTRICT

Red Line & Purple Line Transit-Oriented Development Overlay

- ◇ The subject site contains two lots, one developed with a single-family dwelling and the other undeveloped. The property is within the overlay for the Mapleton Fall Creek Neighborhood Land Use Plan.

(Continued)

STAFF REPORT 2023-DV2-023 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for the construction of an attached garage with a five-foot rear setback where a 20-foot setback is required.
- ◇ A detached garage may have a reduced rear setback of five feet; however, the existing dwelling has a rear setback of approximately 28 feet. Given the small back yard and the dimensions needed for a typical garage, staff would not be opposed to an attached garage with a five-foot rear setback.
- ◇ The subject site has an existing driveway on Pennsylvania Street, which would be removed. Vehicle parking accessed from the alley would be preferable for pedestrian safety, so staff is not opposed to a reduced setback for a garage on an alley.

GENERAL INFORMATION

THOROUGHFARE PLAN	Pennsylvania Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 70-foot existing and proposed right-of-way.
SITE PLAN	File-dated July 28, 2023
FINDINGS OF FACT	File-dated July 28, 2023

ZONING HISTORY – VICINITY

2018-ZON-020, 3201 North Meridian Street, rezoning of 6.46 acres from the D-5, D-9, HD-2, SU-1, and SU-7 districts to the SU-1 district, **approved**.

2009-ZON-039, 32 East 32nd Street, rezoning of 0.315 acre, from the D-5 District, to the SU-7 classification, **approved**.

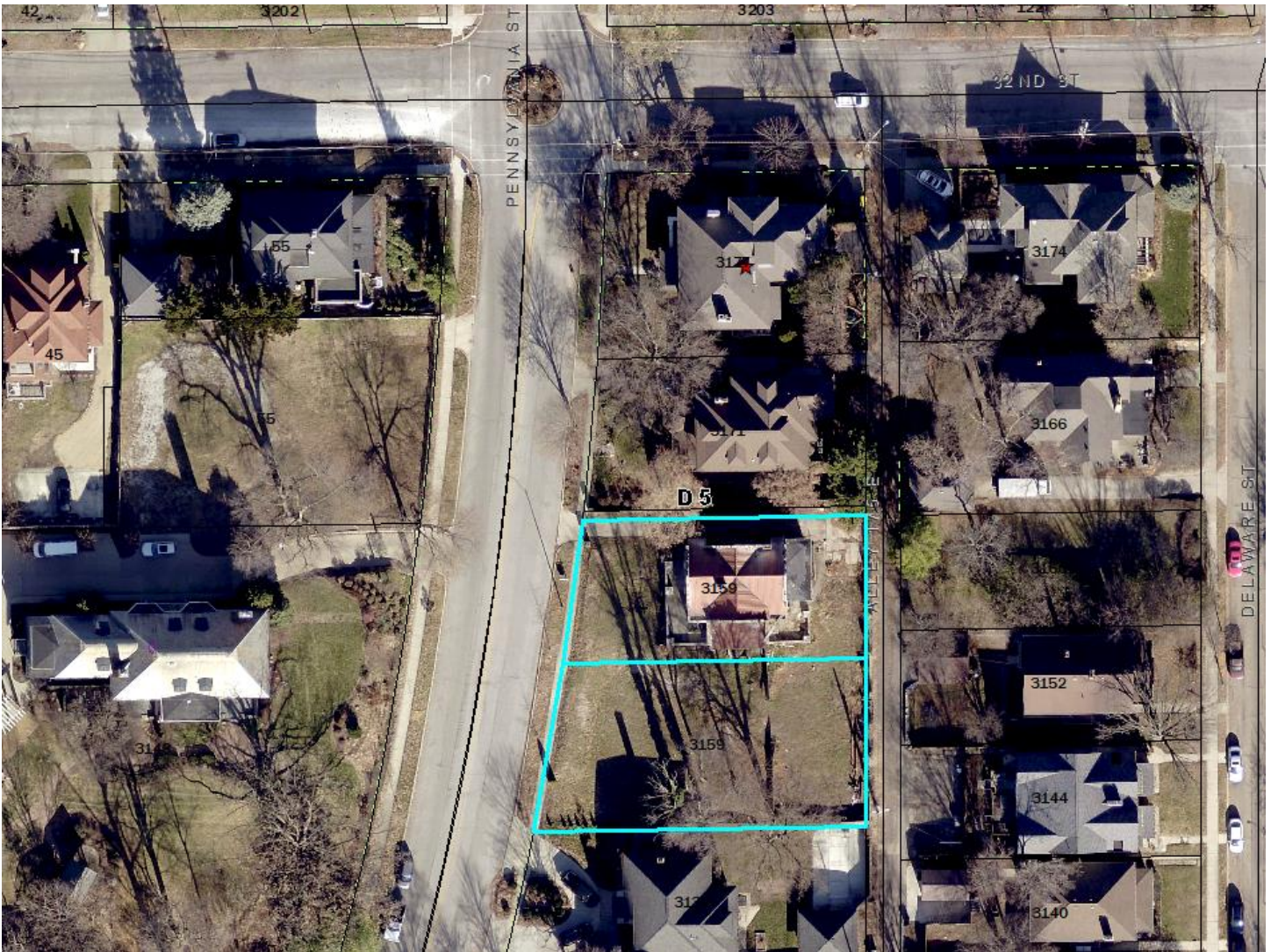
2001-AP2-005, 37 East 32nd Street, approval to eliminate the condition that requires the attic to be used for storage, **approved**.

83-Z-216, 32 East 32nd Street, rezoning of 0.23 acre from the D-5 district to the C-3 district, **dismissed**.

83-V2-18, 3177 North Pennsylvania Street, variance to reconstruct a detached garage on an existing foundation with a two-foot rear setback, **approved**.

AR

2023-DV2-023; Aerial Map



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

There are existing structures within the neighborhood that follow the proposed 5 foot rear setback.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The condition of a 5 foot rear setback are already present within the neighborhood.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The existing historical residence was built farther back on the property than current planning would follow. Strict application of current zoning would leave less than needed buildable area to provide an attached garage for modern day vehicles.

(BRICK ALLEY)



NOTTINGHAM PROPERTIES LLC
INSTR. #A202300002055
0.420 Ac.± (M)

3159 Penn Remodel
3159 N Pennsylvania Street, Indianapolis IN
08/07/2023 SD 001



2023-DV2-023; Photographs



Subject site, viewed from Pennsylvania Street



Subject site and adjacent undeveloped lot



Adjacent undeveloped lot



Subject site viewed from alley, proposed garage access