

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-017 (Amended)
Address: 717 East 27th Street (approximate address)
Location: Center Township, Council District #17
Zoning: D-8
Petitioner: Lamond Jay Henderson, by Myron Cheeks
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story duplex on a 50-foot wide lot with an area of 3,250 square feet (three-story not permitted, minimum lot width of 60 feet and area of 7,200 square feet required) and a main floor area of 360 square feet per unit (660 square-foot minimum main floor area required) with a five-foot rear yard setback (20-foot rear yard setback required) having 44% open space (60% open space required).

This petition was continued from the August 8, 2023 hearing to the September 12, 2023 hearing at the request of staff to allow additional time to review and discuss changes made to an amended site plan.

RECOMMENDATIONS

Staff **recommends denial** of this request as amended.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-8	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	C-3	Residential (Two-family dwelling)
South	D-8	Undeveloped
East	D-8	Undeveloped
West	C-1	Residential (Single-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends traditional neighborhood development.
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- ◇ This 0.06-acre site is undeveloped. Historical aerial photography indicates a structure was removed between 1986 and 1991. It is surrounded by a two-family dwelling to the north, across East 27th Street, zoned C-3; undeveloped land to the east, zoned D-8; a single-family dwelling to the west, zoned C-1; and undeveloped land to the south, zoned D-8.

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- ◇ The traditional neighborhood land use plan recommendation is to provide for a full spectrum of housing types in compact and well-connected areas. Building form should promote social connectivity of neighborhood. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. This typology recommends a density range of 5 to 15 units per acre.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The initial request was for the construction of a three-story duplex on a deficient lot width of 50 feet and lot size of 2,737 square feet with deficient main floor areas of 360 square feet, a 5.25-foot front yard setback and a zero-foot rear yard setback for a sidewalk with 34% open space.
- ◇ The grant of the amended request would allow for the same three-story duplex development with changes to the lot size for 3,250 square feet with a five-foot rear yard setback and increased open space to 44%. The 5.25-foot front yard setback variance and zero-foot rear setback for the sidewalk were removed with the amended site plan.
- ◇ Duplexes are only permitted in the D-8 district when the lot width of 60 feet and lot area of 7,200 square feet are met because it requires more building area and 60% open space. The subject site falls well below this size requirement with a 50-foot lot width and 2,736 square foot area for a proposed 34% open space. Staff finds the request to be unreasonable and would be a mockery of the invaluable time put in place to amend the Ordinance to ensure there is more housing diversity where appropriate.
- ◇ The D-8 dimensional standards require a minimum 660 square foot main floor area for dwellings over one story and newly adopted standards limit the height to 35 feet or 2.5 stories, whichever is the lesser of the two values shall be the maximum height.
- ◇ As proposed, the third story does not meet the definition of “Story, Half”, which is “the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with headroom of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath”.
- ◇ Due to the small size of the existing lot, the development of the site should be reflective of the lot limitations by not utilizing a large portion of the site for the purpose of vehicle storage and reducing the main floor area to 360 square feet. Instead, the garages could be eliminated, which would allow for the 660-square foot main floor area to be met and would further allow for a 2.5 story single-family dwelling to be proposed instead of a three-story duplex.
- ◇ Staff would note that there are multiple examples across the City where dwellings exist without garages on site and readily available street parking is utilized.
- ◇ The building would require a 20-foot rear setback. The site plan does not note the balcony locations, but they would have the same setbacks as the covered front and rear porches noted. The east and west building elevations show the extent of the second and third floor balconies, which staff finds to be excessive for the lot size.

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- ◇ Ultimately, the request would be overdevelopment of the site due to the desire to have two units on site with a two-car garage for each unit and balconies that reduce the open space of the site. Staff informed the petitioner that if a two-unit multi-unit house were proposed without the garages, then staff could have discussed the possibility with a new site layout and building plans.
- ◇ The subject site had a previous variance issued for a single-family dwelling that although not applicable today represents a more compatible site design.
- ◇ The proposal would not be in line with the newly adopted Infill Housing Design Guidelines. Specifically with regards to the building massing since the other dwellings in the immediate area have two stories. The flat roof design would also not align with the hip and gable rooflines of the existing dwellings. The proposed fenestration for new construction should relate to the surrounding context with the proportion of glass (windows) to solid materials (wood, brick, and other materials), which would not be the case on the first-floor elevation facing the street.
- ◇ Lastly, the Findings of Fact note that the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because “it will be difficult to develop the property” but fails to mention any specific standards that would hinder development of the site. Staff would argue that any perceived difficulties are self-imposed by the petitioner due to the proposed design of the duplex and site layout. Furthermore, the site could be developed to meet the standards of the Ordinance if developed within the footprint noted in Staff Exhibit 1 of the report.
- ◇ For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN	27 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated July 6, 2023.
AMENDED SITE PLAN	File-dated August 2, 2023.
ELEVATIONS	File-dated July 6, 2023.
FLOOR PLANS	File-dated July 6, 2023.
FINDINGS OF FACT	File-dated July 6, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

(Continued)

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PREVIOUS CASES

2017-CVR-840; 717 East 27th Street (subject site) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot front setback and a five-foot rear setback (18-foot front and 15-foot rear setbacks required), **granted**.

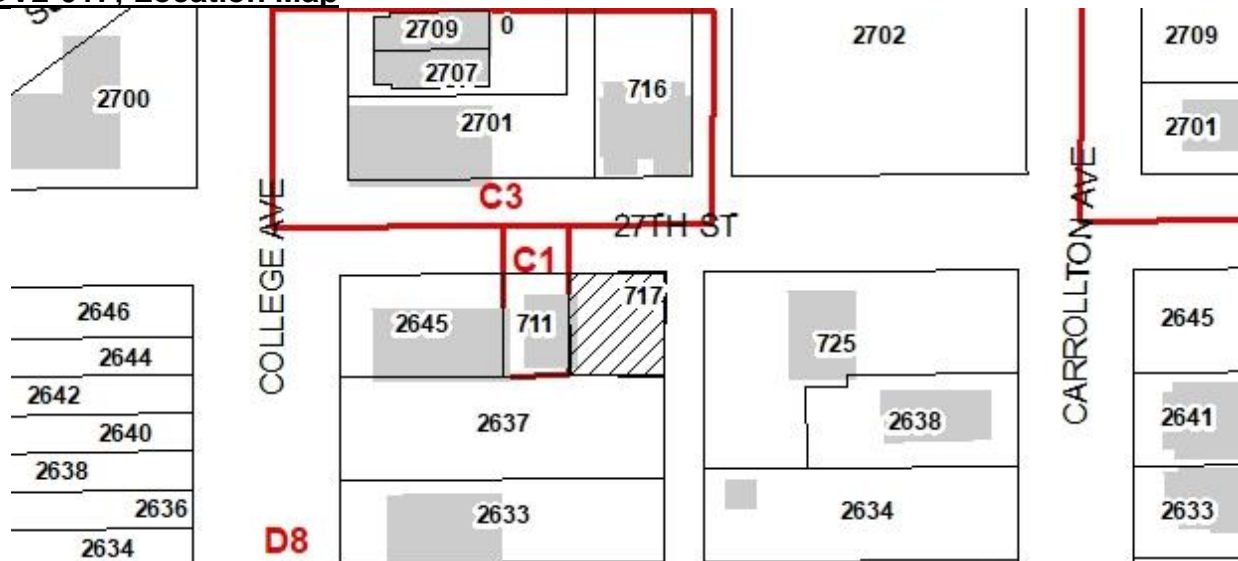
2017-CZN-840; 717 East 27th Street (subject site) Rezoning of 0.06 acre from the C-1 district to the D-8 classification, **approved**.

ZONING HISTORY – VICINITY

2001-ZON-155; 725 East 27th Street and 2644, 2702, 2708 and 2712 Carrollton Avenue (north of site), Rezoning 0.89 acre from the D-5 and D-8 Districts to the SU-1 classification, **approved**.

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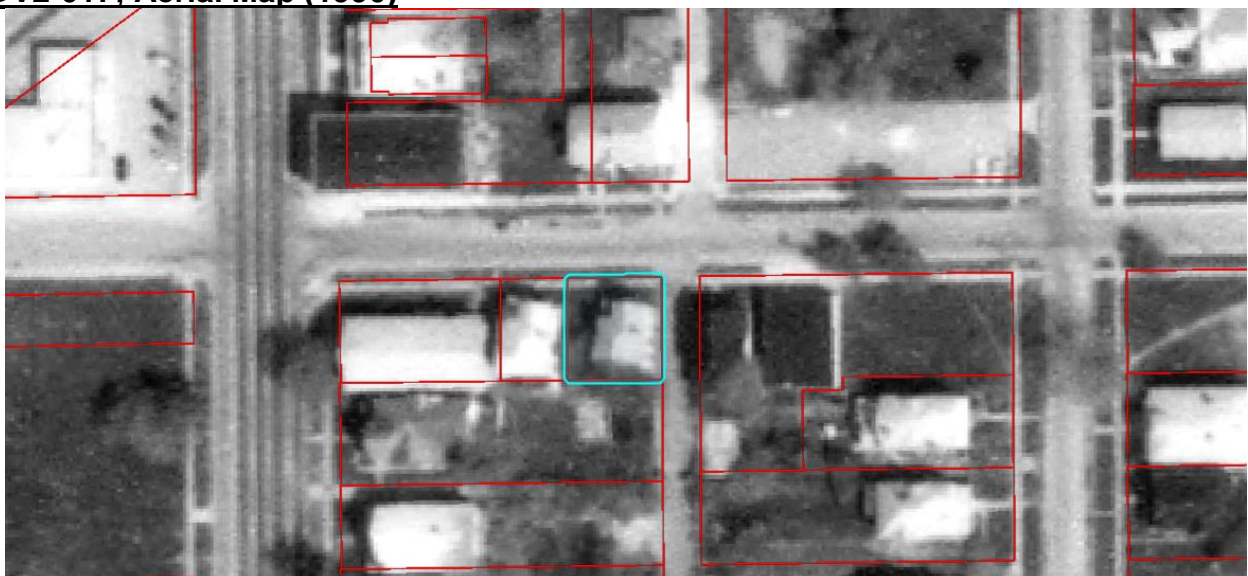
2023-DV2-017; Location Map



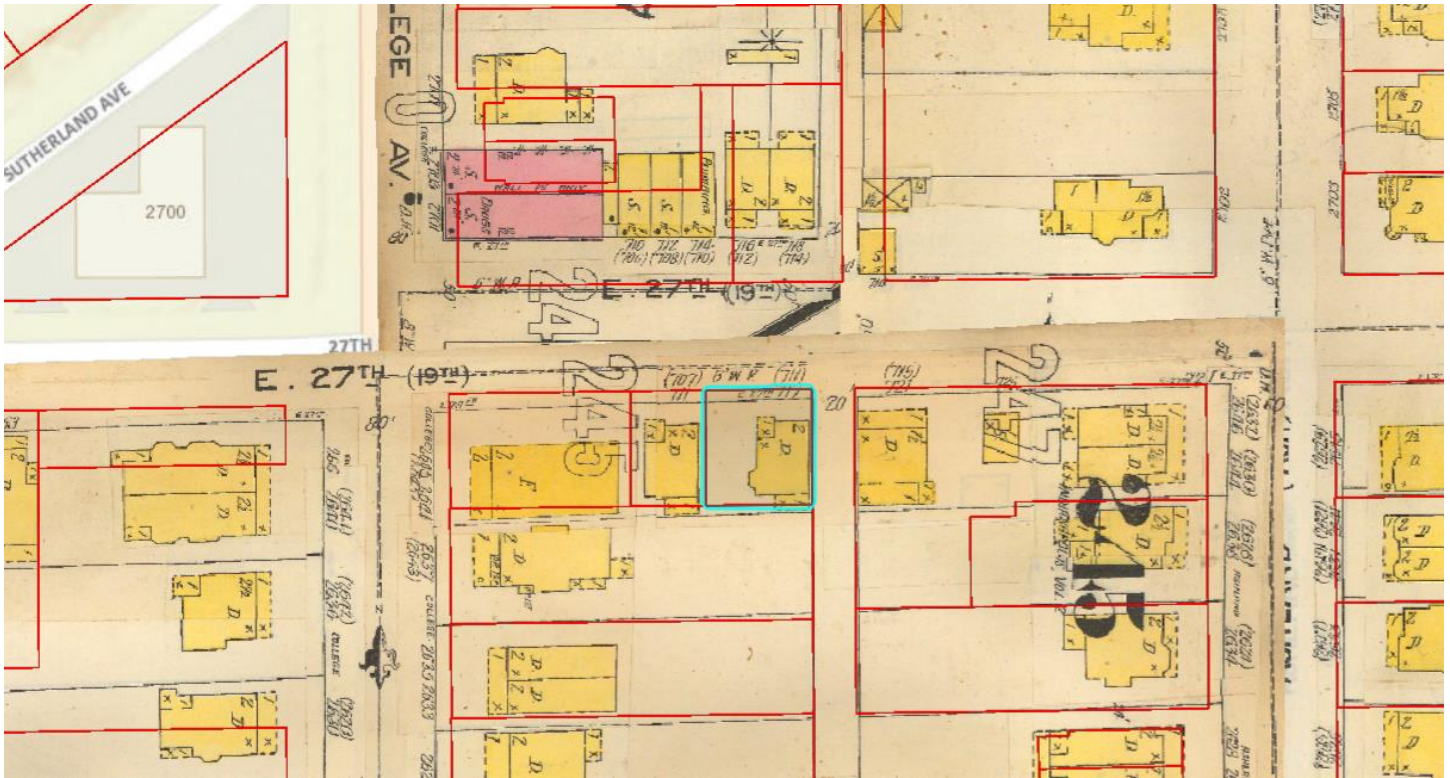
2023-DV2-017; Aerial Map



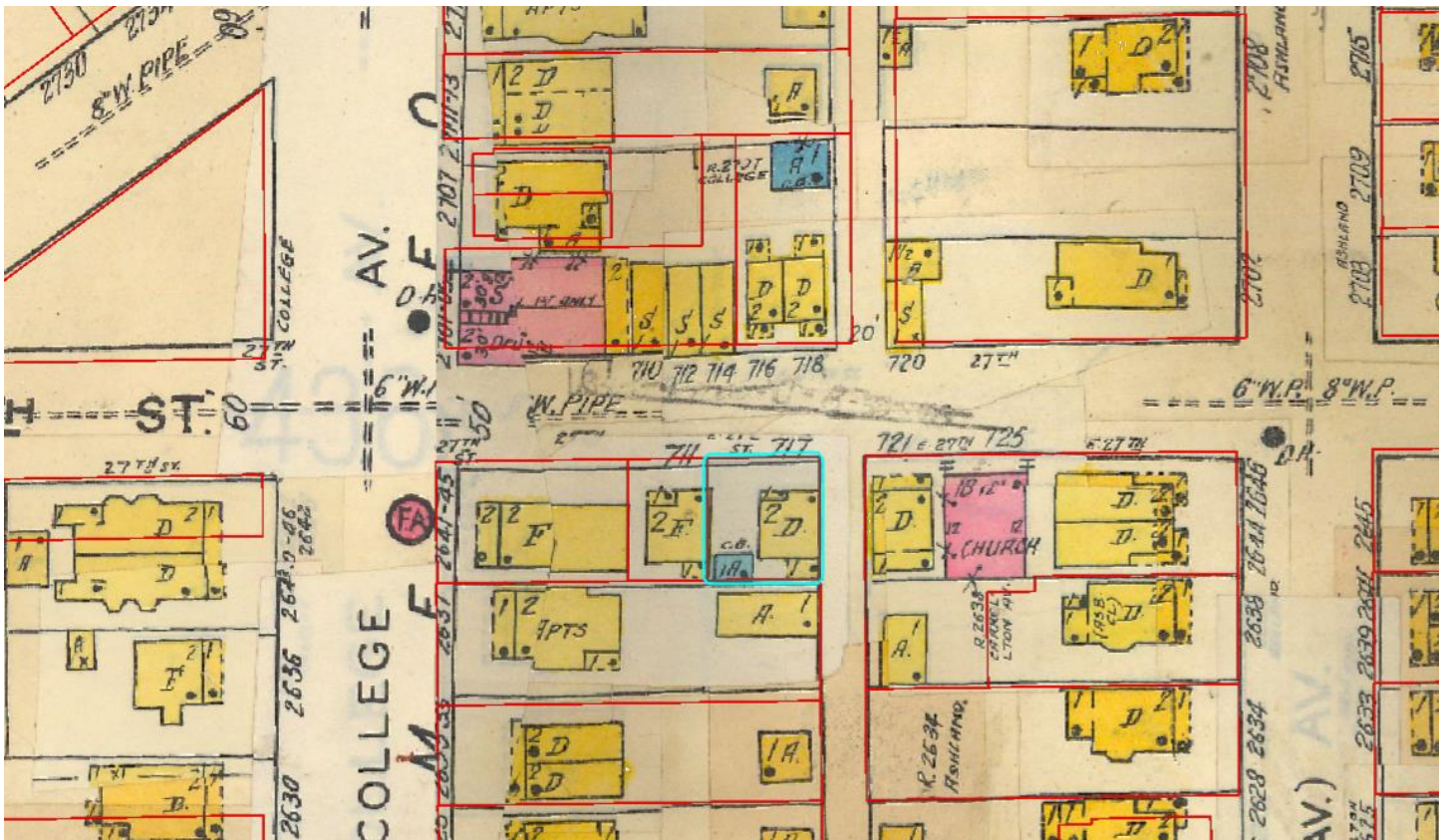
2023-DV2-017; Aerial Map (1990)



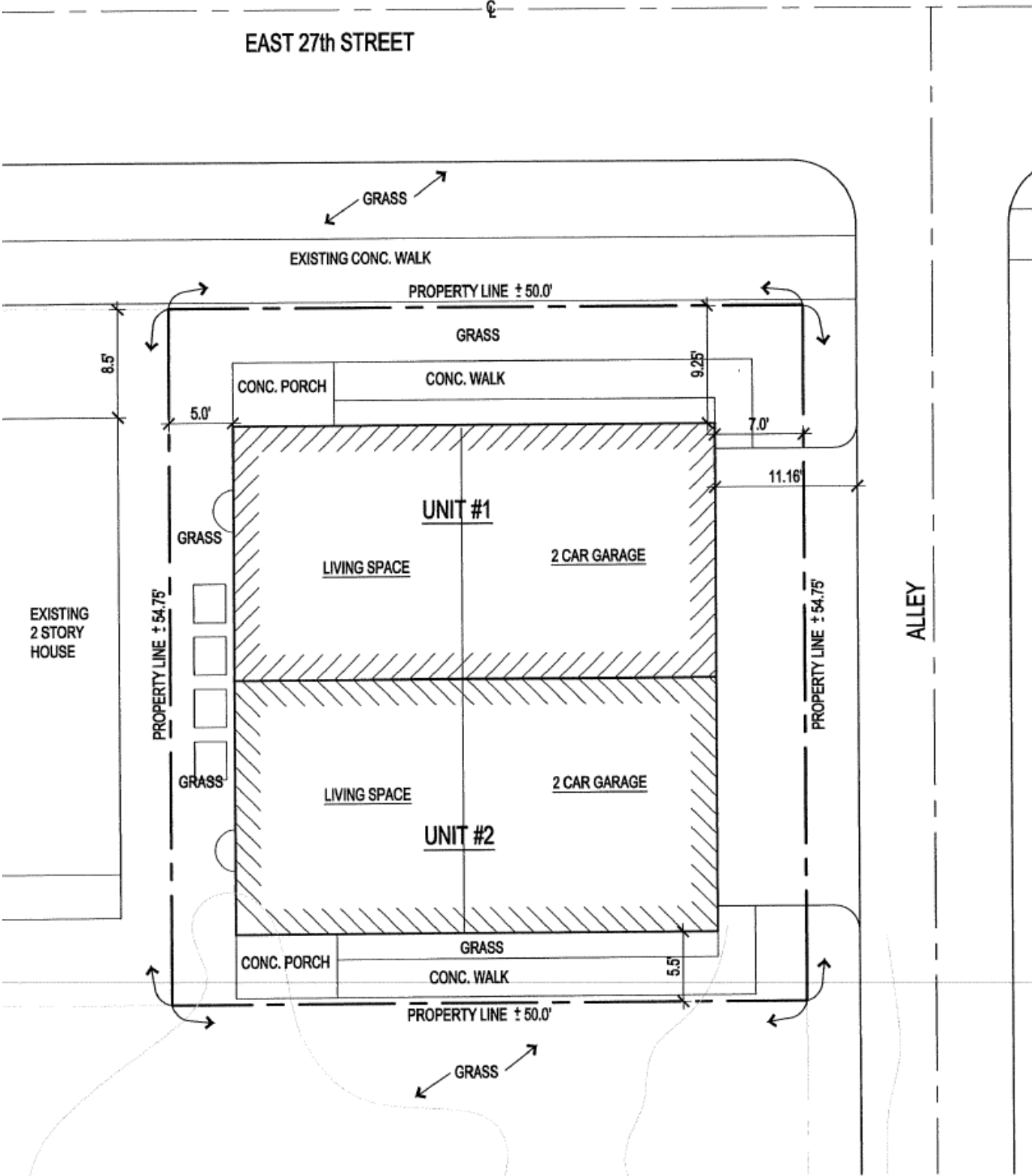
2023-DV2-017; Sanborn (1898)



2023-DV2-017; Sanborn (1915)

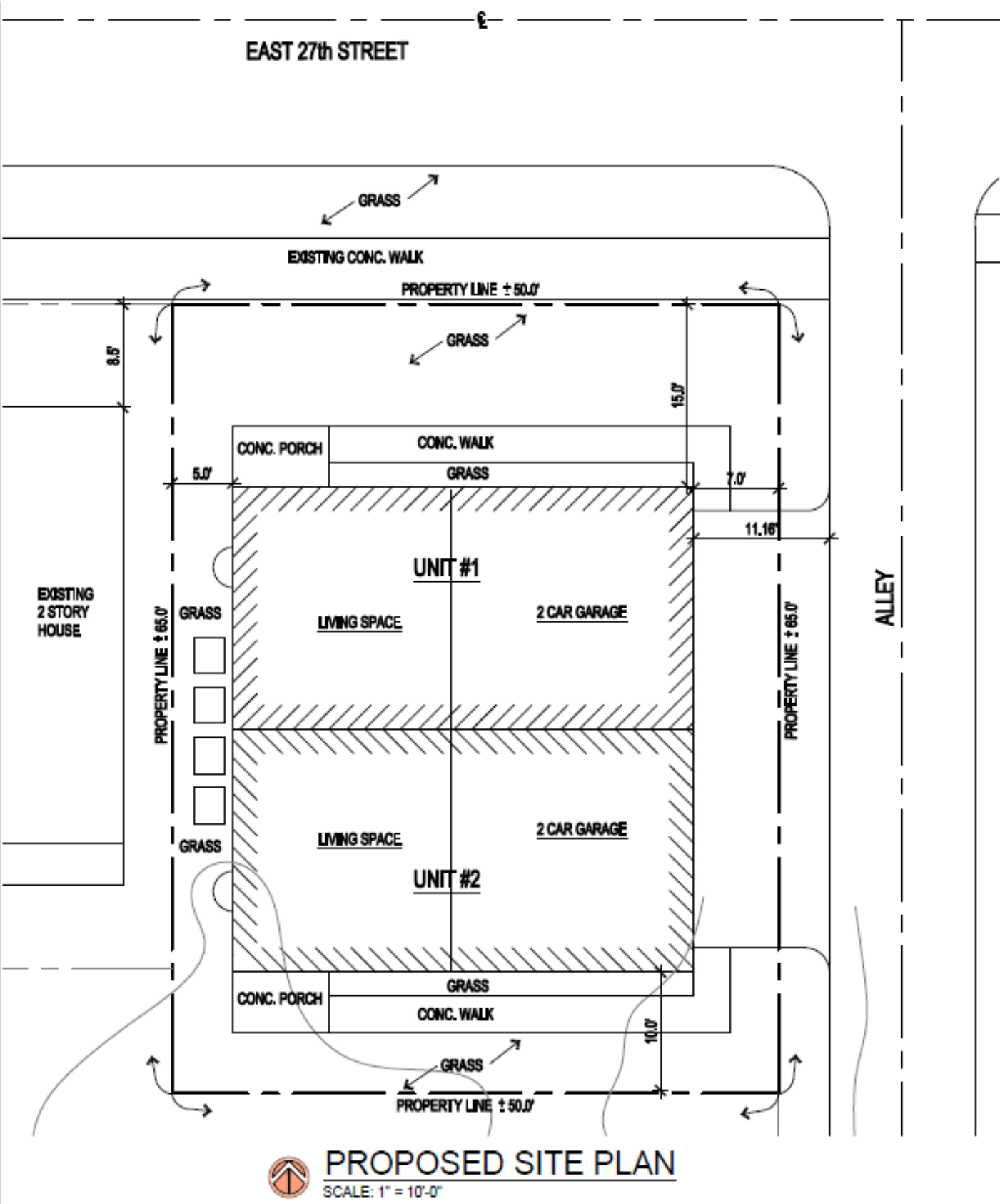


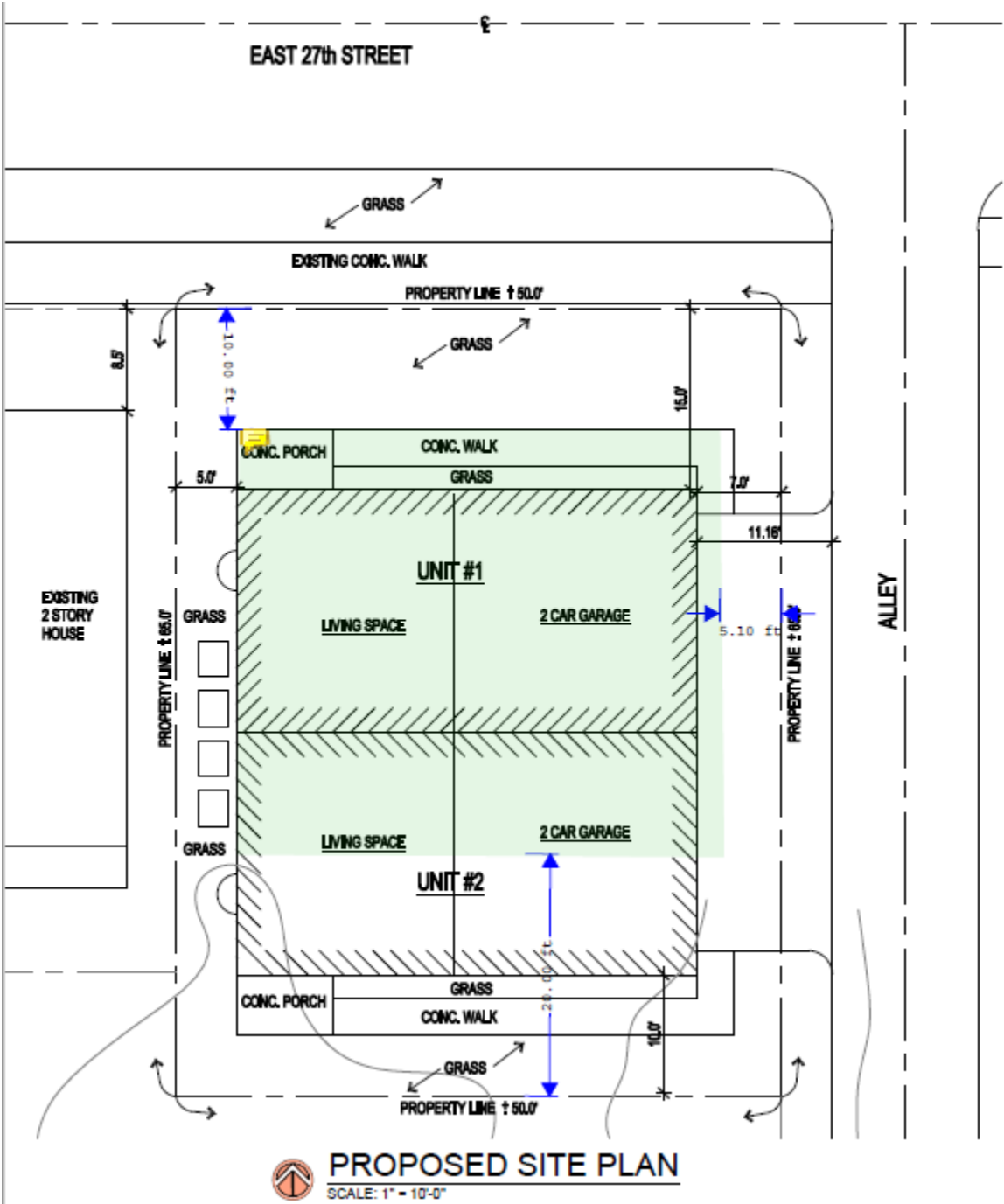
2023-DV2-017; Site Plan



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"







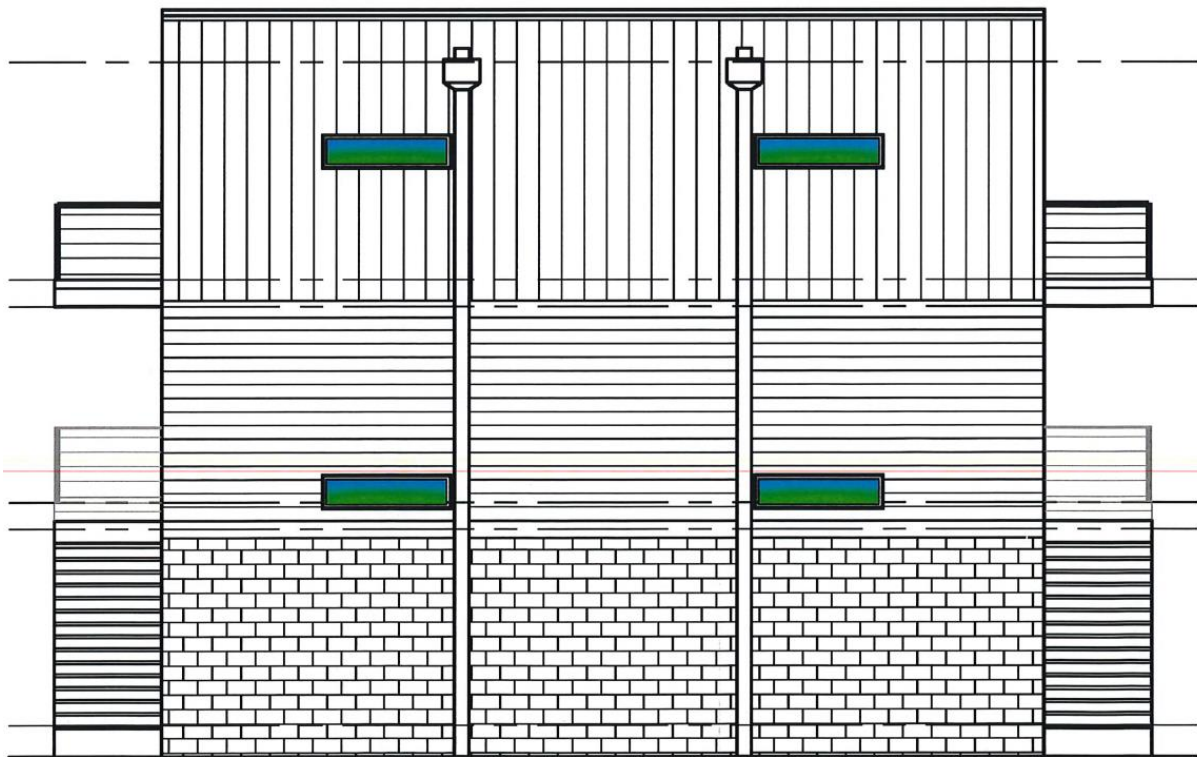
NORTH ELEVATION UNIT #1
SCALE: 1/8" = 1'-0"



UNIT #2 EAST ELEVATION UNIT #1
SCALE: 1/8" = 1'-0"

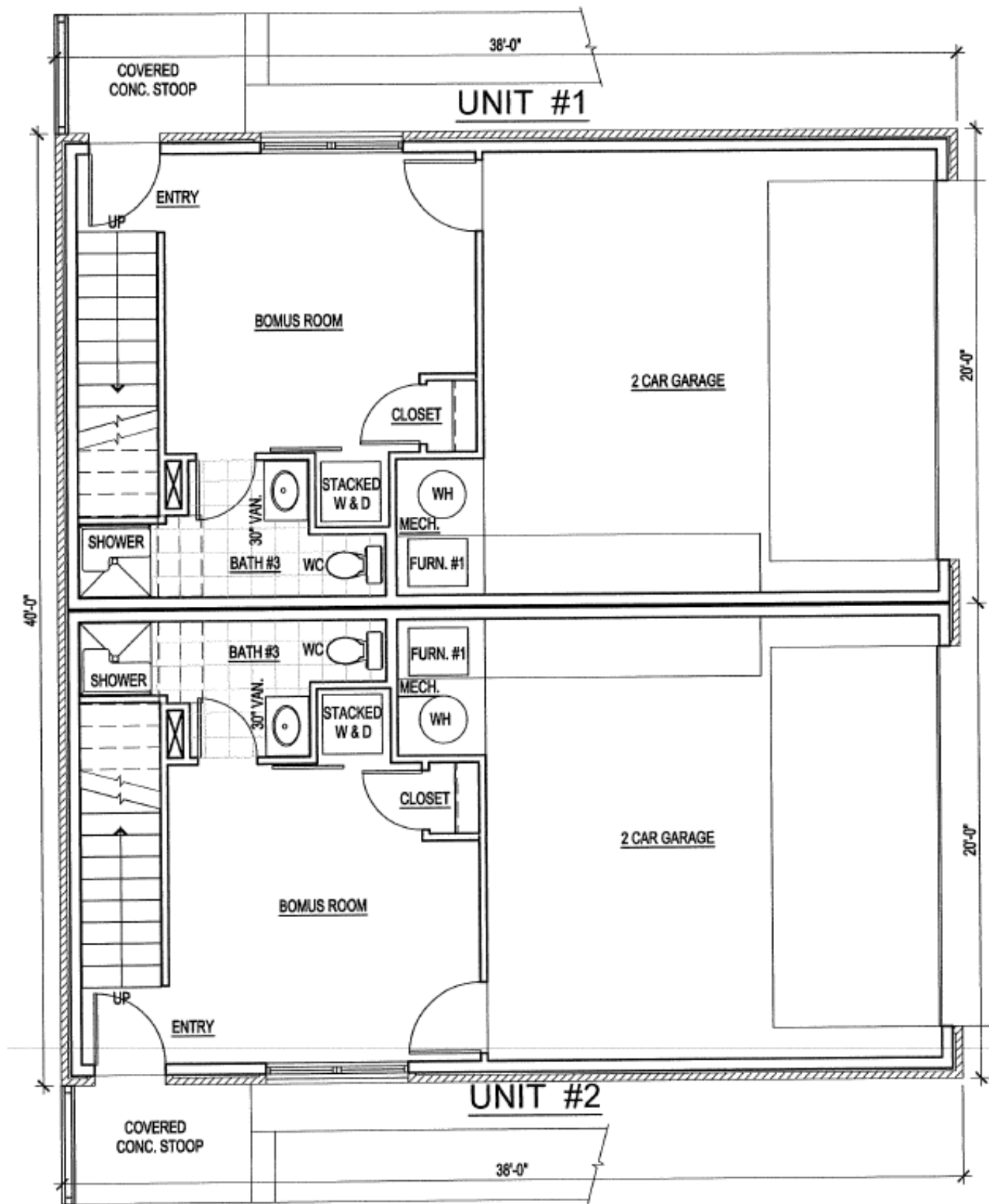


UNIT #2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



UNIT #1 WEST ELEVATION UNIT #2
SCALE: 1/8" = 1'-0"

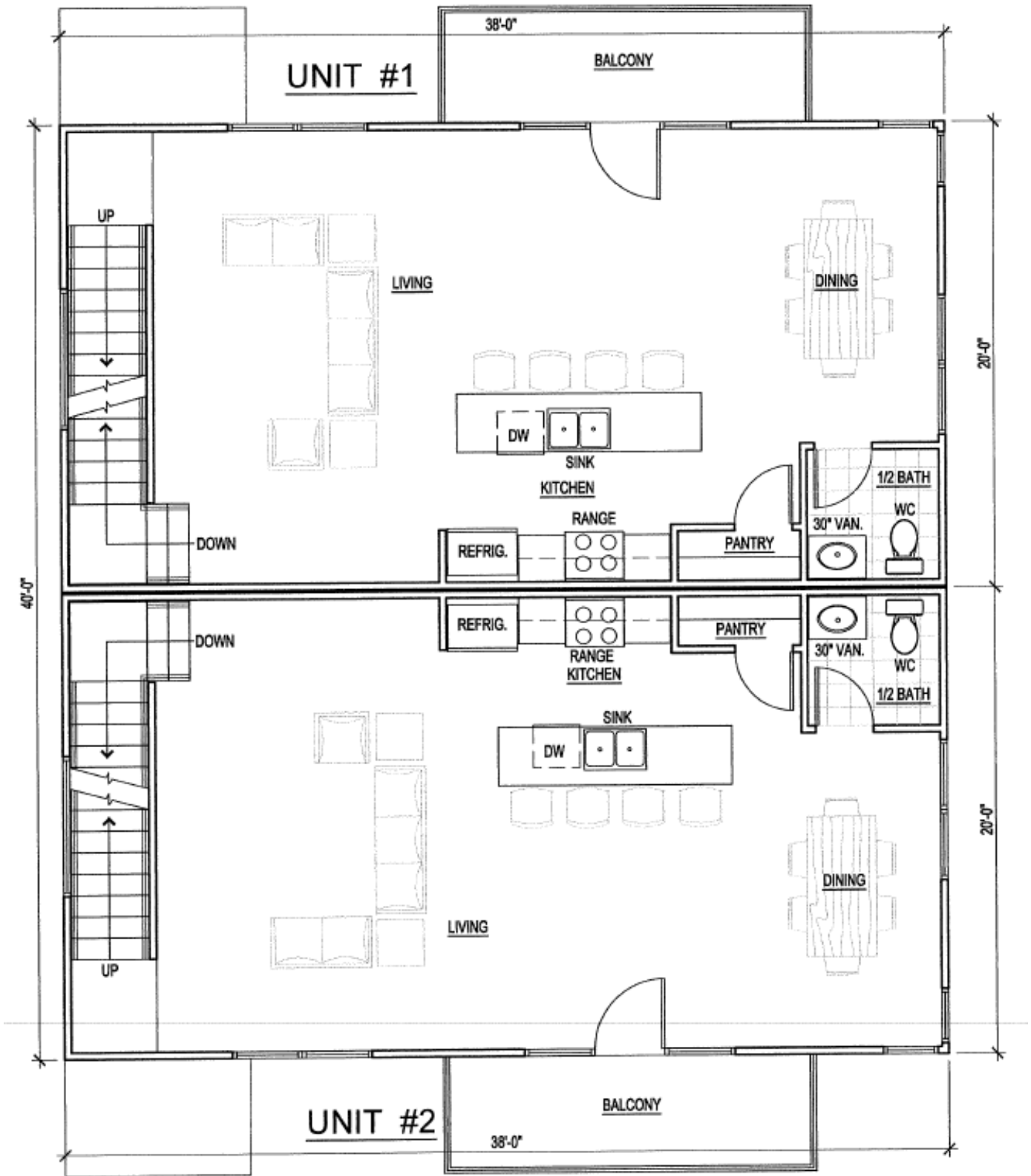
2023-DV2-017; Floor Plan



FIRST FLOOR PLAN

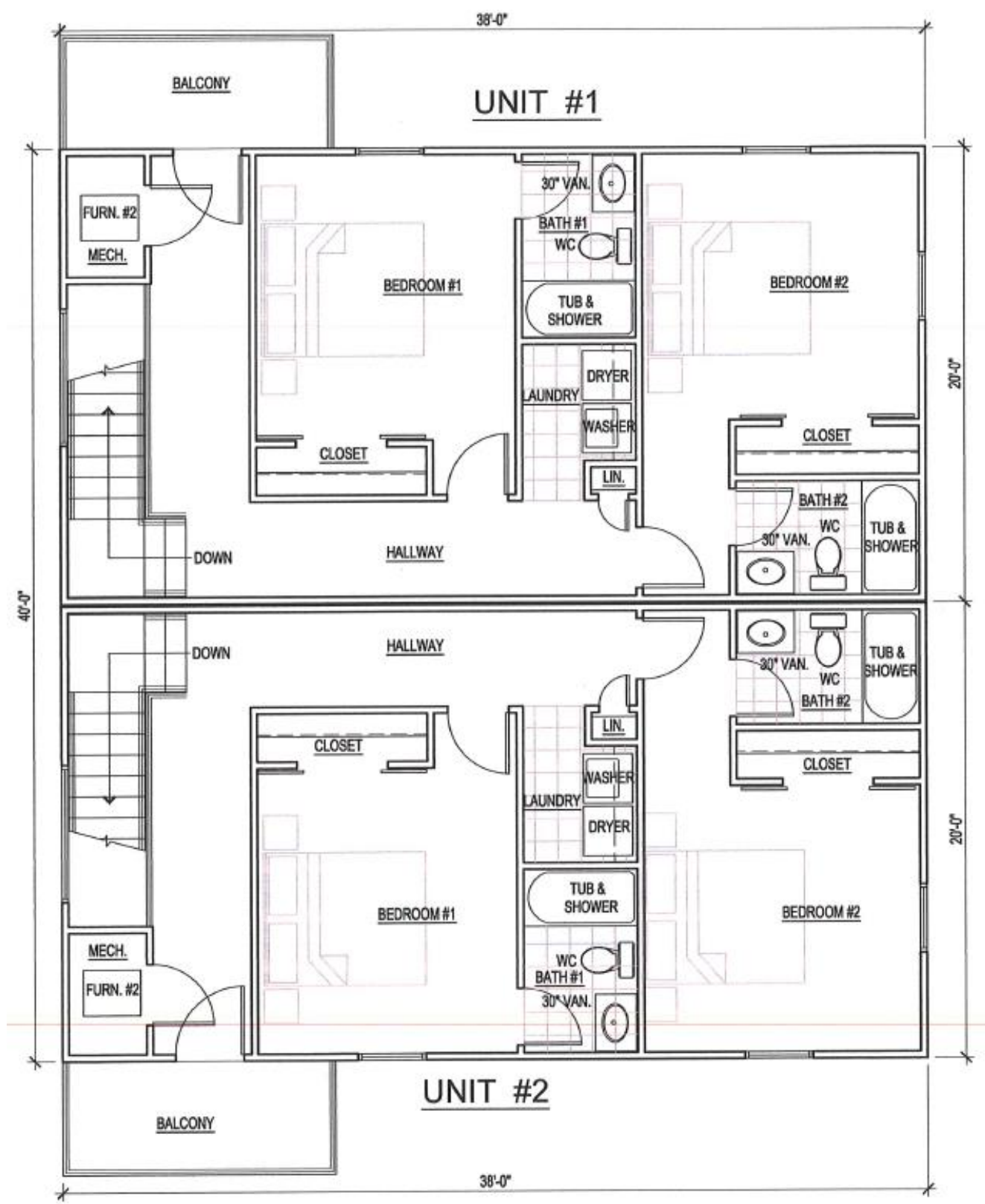
SCALE: 3/16" = 1'-0"

2023-DV2-017; Floor Plan (Continued)



 **SECOND FLOOR PLAN**
SCALE: 3/16" = 1'-0"

2023-DV2-017; Floor Plan (Continued)



THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

2023-DV2-017; Photographs



Photo of the Subject Property: 717 East 27th Street



Photo of the rear yard of the subject site.



Photo of an undeveloped lot and church east of the subject site.



Photo of a two-family dwelling north of the subject site.



Photo of the street frontages and front setbacks along 27th Street.



Photo of the single-family dwelling and multi-unit house west of the site.