

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-025
Address: 1449 Olive Street (approximate address)
Location: Center Township, Council District #21
Zoning: D-5 (TOD)
Petitioner: Two Chicks & A Hammer Inc. – 1449 Olive LLC, by Brittany DeLucio
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with 1.3-foot north side yard setback and a two-foot corner side setback (five-foot side yard, eight-foot corner side yard setbacks 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 dwellings
East - D-5	Single-family dwelling
West - D-5	Fraternal organization

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood uses.
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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 proposed 1.3-foot north side yard setback and the two-foot corner side yard setback would roughly match the setbacks of the original built single-family dwelling on the subject site. The variances were not originally required as the existing setbacks were considered legally non-conforming. After the start of remodeling, it was determined that the amount of remodel work to the original dwelling would exceed what was allowed by the permit on file, and variances would then be needed to legally establish the existing setbacks as proposed.

(Continued)

STAFF REPORT 2023-DV2-025 (Continued)

- ◇ For the two-foot corner side setback, the existing right-of-way along this portion of East Cottage Avenue is 60 feet, which exceeds the proposed 48-foot right-of-way, and encroaches into the subject site corner side yard approximately 12 feet from the sidewalk. Therefore, the proposed dwelling would have a setback of 14 feet from the sidewalk and would meet the intent of the corner side yard setback.
- ◇ Therefore, Staff believes that the requested reduced setbacks for the dwelling, being similar to the original developed dwelling on site, would have no impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Olive Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

This portion of Cottage Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

SITE PLAN

File-dated August 8, 2023.

FINDINGS OF FACT

File-dated August 8, 2023.

ZONING HISTORY

2023-DV2-002; 1449 Olive Street (subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a three-foot corner side yard setback and a three-foot north side yard setback, within the clear sight triangle of the intersection of the alley and Cottage Avenue, **granted**.

2019-HOV-015; 1502 Laurel Street (east of site), requested a variance of development standards to provide for a detached garage for an existing two-family dwelling with a one-foot south side setback and a zero-foot northside setback, a 7.5-foot front setback from Laurel Street and 48% open space, **granted**.

2018-HOV-012; 1246 Cottage Avenue (east of site), requested a variance of development standards to provide for a single-family dwelling, with six-foot and 3.5-foot front setbacks, with four feet between primary dwellings, a detached garage with a 4.5-foot front setback, and with an open space of 48%, **granted**.

2018-HOV-078; 1515 Olive Street (south of site), requested a variance of development standards to provide for a single-family dwelling and a detached garage with a two-foot north side setback and two feet and three feet between primary dwellings, **granted**.

(Continued)

STAFF REPORT 2023-DV2-025 (Continued)

2017-DV1-036; 1426 and 1430 Olive Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dwelling (1426) and garage, creating an open space of 58%, and with a 10-foot front yard, a one-foot south side yard, and with two feet and seven feet between dwellings, and to legally establish a dwelling (1430), with a 10-foot front setback, a one-foot north side setback and two feet between dwellings, **granted**.

2017-DV1-073; 1222 and 1226 Cottage Avenue (east of site), requested a variance of development standards to provide for the construction of a single-family dwelling and attached garage, with a 10-foot front setback, with a three-foot separation between dwellings and an open space of 50% for 1222 Cottage Avenue, and the construction of a single-family dwelling and attached garage, with a 10-foot front setback, with a four-foot separation between dwellings and an open space of 56% for 1226 Cottage Avenue, **granted**.

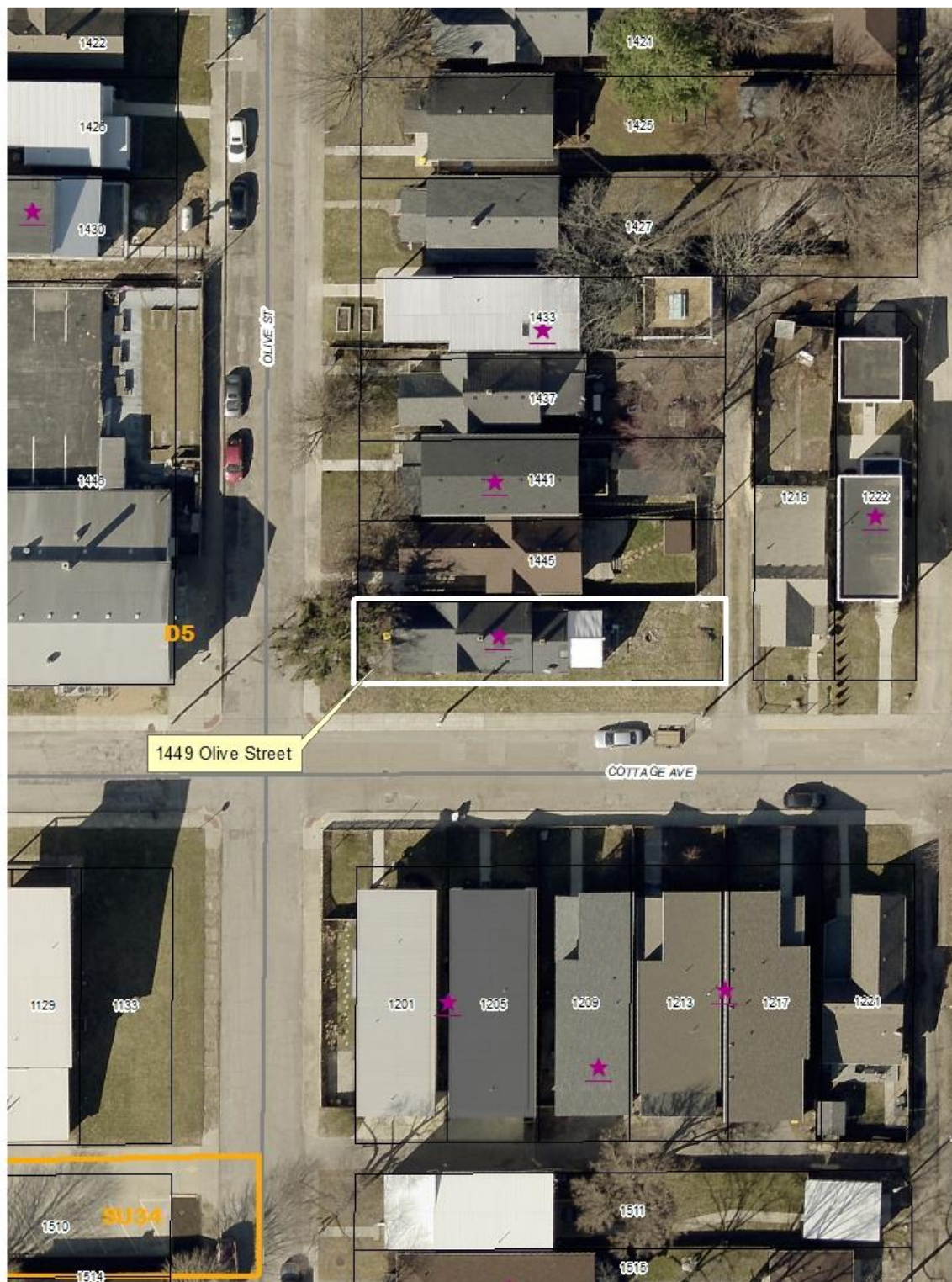
2017-HOV-020; 1209 Cottage Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a garage addition to a single-family dwelling, creating 46% open space, with a 10.7 rear setback, with a one-foot east side setback and nine feet between buildings, **granted**.

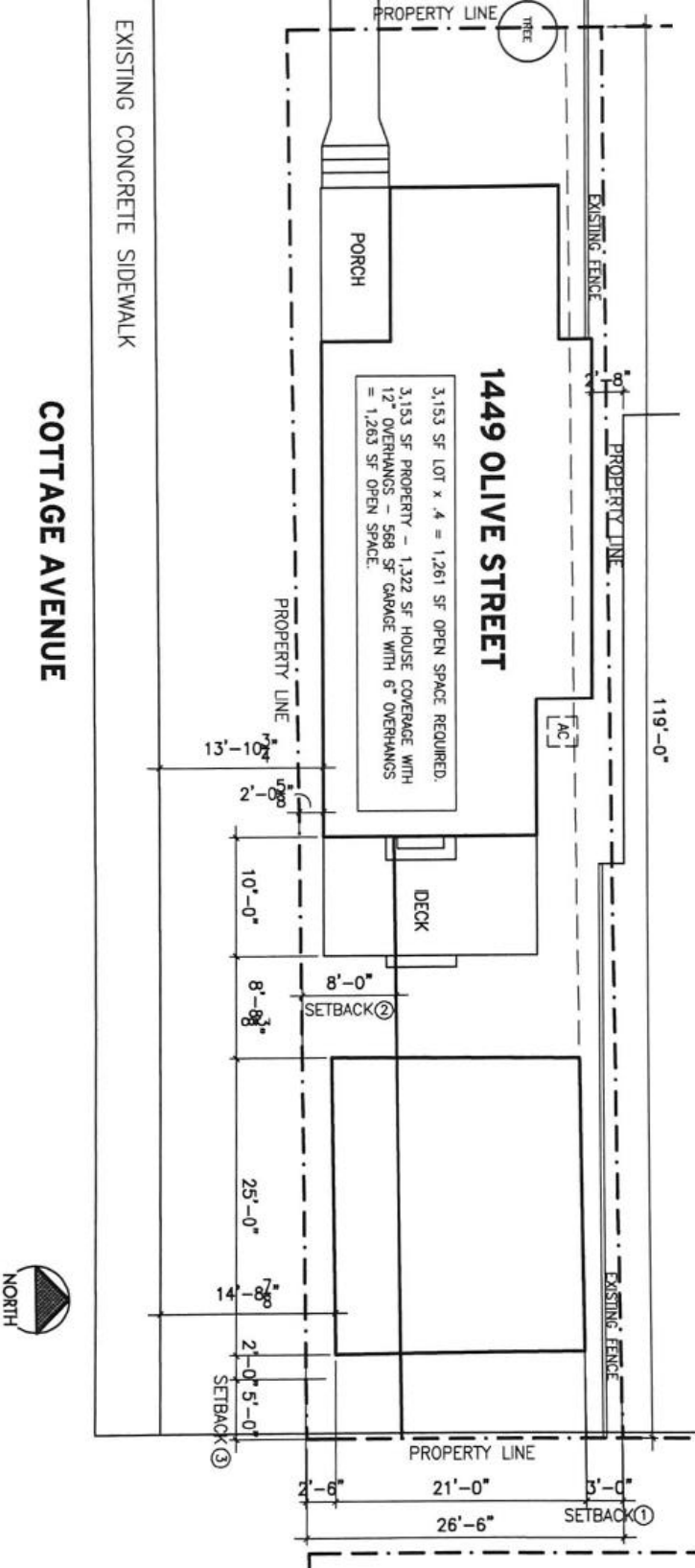
2016-HOV-001; 1433 Olive Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 440-square foot detached garage, with three-foot north and south side setbacks, creating a six-foot aggregate side setback and 40% open space, **granted**.

99-UV3-96; 1434-1446 Olive Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a parking lot associated with a fraternal organization, **granted**.

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2023-DV2-025; Location Map





2023-DV2-025; Photographs



Front of subject site, looking east.



North side 1.3-foot side setback, looking east



South side two-foot corner side setback (with temporary dumpster), looking east



Adjacent properties to the south, looking southeast.



Adjacent properties to the east, looking north.



Adjacent properties to the north, looking east.