

BOARD OF ZONING APPEALS DIVISION III

June 18, 2024

Case Number: 2024-DV3-017
Address: 2863 Sutherland Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: D-5
Petitioner: David E. Miller
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a driveway providing vehicle access from Sutherland Avenue (exclusive access from an improved alley required).

Current Land Use: Single-family dwelling

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ The request would provide for the construction of a driveway providing vehicle access from Sutherland Avenue where exclusive access from an improved alley is required.
- ◇ The Ordinance was amended in April of 2016, to regulate access and connectivity for the zoning districts. With the removal of the existing driveway, this property is now required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance. The “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.

- ◇ For the proposed driveway, the petitioner has removed a larger existing driveway approximately 85 feet in length and is requesting to replace it with a shorter driveway approximately 35 feet in length, using the existing curb cut. The new driveway will not require a new curb cut or reduce sidewalk access or create additional pedestrian conflict opportunities; it will preserve the existing curbside parking; and will eliminate approximately 50 feet of existing pavement, replacing it with grass and landscaping to help reduce storm water runoff.
- ◇ Staff believes that this request would have no impact on the streetscape or the surrounding property owners.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Traditional Neighborhood uses	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	Undeveloped
South:	D-5	Single-Family dwelling
East:	D-5	Single-Family dwellings
West:	D-5 / PK-1	Neighborhood Park

Thoroughfare Plan		
Sutherland Avenue	Local Street	60-foot existing and proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	No	
Elevations	N/A	
Landscape Plan	N/A	
Site Plan	May 9, 2024	
Findings of Fact	May 9, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology, which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2016-HOV-0440; 2828 Carrolton Avenue (east of site), requested a variance of development standards to provide for the construction of a detached garage, creating an open space of 45%, and a north side setback of zero feet, **granted**.

2014-UV2-028; 2845 North Guilford Avenue (east of site), requested a variance of use to legally establish a four-unit, multi-family dwelling, per plans filed, **granted**.

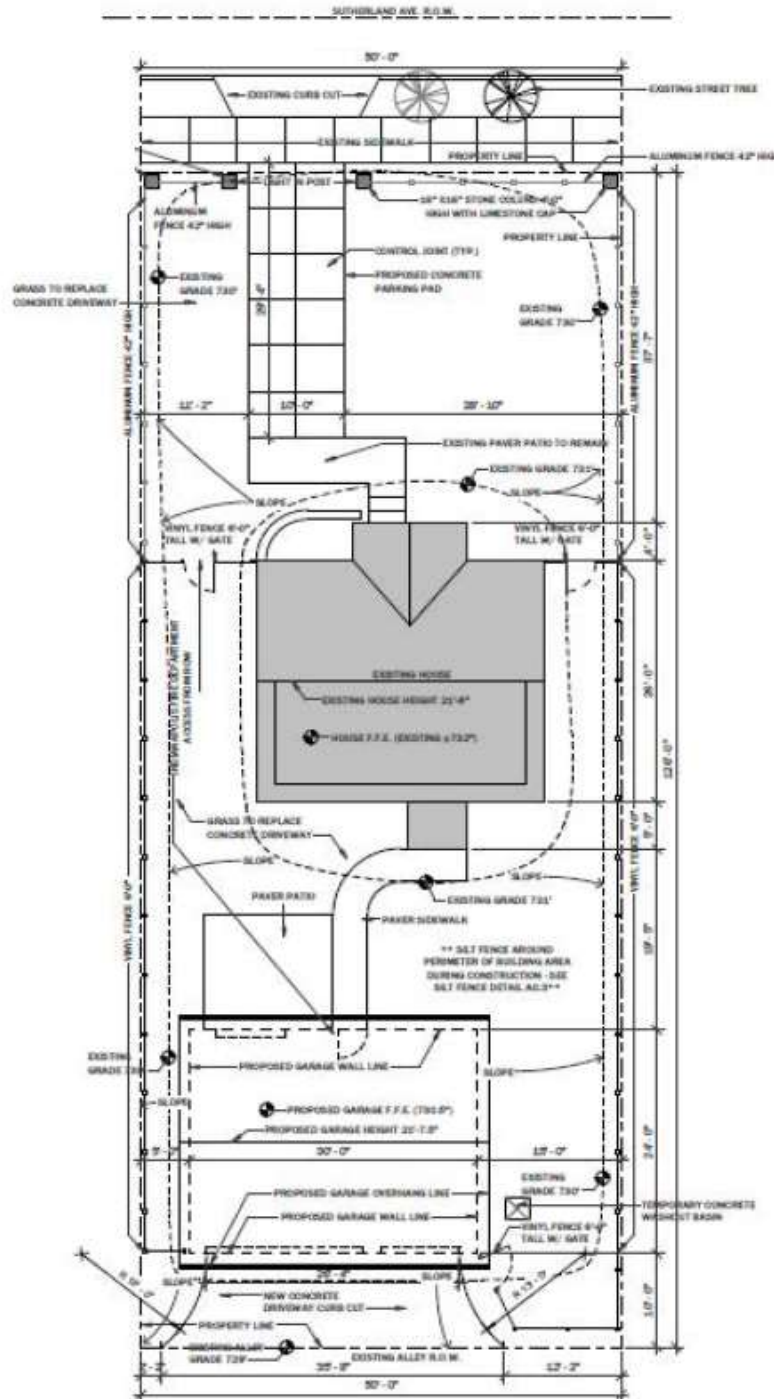
2011-HOV-030; 2838 Carrolton Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 440-square foot detached garage, with a 2.5-foot side setback and a 6.5-foot aggregate side setback, **granted**.

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Location Map



Site Plan





Findings of Fact

Petition Number _____

**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:

Petitioner is seeking a variance for the purpose of creating access for ADA purposes. The Petitioner's family member is in a wheelchair and access through the frontage is necessary for him to access the home. There is no change occurring to the street frontage as a driveway was there previously before Petitioner's carriage house was constructed. The property will remain in the same general condition as it was prior to the garage replacement.

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:

There will be no impact to the property on either side of the Petitioner's property as it will be in the same condition as it was prior to the variance.

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

The petitioner's father will lose access to the property should this variance not be allowed.

DECISION

Photographs



Photo of previous existing driveway removed, and existing curb cut entrance from Sutherland Avenue, looking east.



Photo of proposed garage / carriage house location with access from alley, and previous driveway area to be replaced with grass and landscaping. Looking west.



Photo of adjacent dwelling to the south, with existing curb cut and driveway access from Sutherland Avenue, looking east.



Photo of adjacent Fall Creek and 30th Street Park under construction for combined sewer project, looking west.