

BOARD OF ZONING APPEALS DIVISION I

February 06, 2024

Case Number: 2024DV1004
Property Address: 1416 English Avenue (approximate address)
Location: Center Township, Council District #8
Petitioner: Ebuka Enogu, by Mark and Kim Crouch
Current Zoning: D-5II
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a carriage house resulting in an 8-foot rear yard setback and encroaching within the clear sight triangle of intersecting alleys (encroachment of clear sight triangles prohibited).
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** of this request.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PETITION OVERVIEW

- This property received permits in July 2023 for construction of a new single-family residence which is currently under construction. This petition would seek to legalize placement of a detached garage loaded from the side alley with a secondary dwelling unit (SDU) above. The proposed structure would be within the rear yard and encroaching within the clear sight triangle established by intersecting alleys to the west and north, which is disallowed per ordinance.
- The site was rezoned to the D-5II designation in 2023. This zoning is intended for small-lot housing formats, primary for small, detached houses and for infill situations in established urban areas. The single-family home is an allowable use type per ordinance and is also a listed land use for the Traditional Neighborhood typology within the Marion County Land Use Pattern Book.

- In addition to a detached 2-car garage, this petition would allow for construction of a secondary dwelling unit. The Pattern Book “encourages” the placement of SDUs and mentions that a diverse housing mix is a focus of the Traditional Neighborhood typology. Similarly, the Infill Housing Guidelines encourage SDUs and mention affordability as a potential benefit in addition to diversity of housing types.
- The proposed accessory structure would be subordinate to the primary (proposed height of 22.5 feet for the garage/SDU compared to 35 feet for the primary). Additionally, administrative approval of elevations is a requirement per the conditions of 2023ZON017 to allow for staff input on roof design, building height, and building massing.
- The proposed rear setback of 8 feet would be allowed per ordinance (this district and lot dimensions would typically require 15 feet, but is eligible for the rear setback exception found in 743-306.A.4.b). The sole ordinance issue relates to encroachment within the clear sight triangle created by adjacent alleys.
- The ordinance establishes clear sight triangle areas to prevent visual obstructions for drivers of typical vehicles when approaching intersections of roadways. The absence of regulations on clear sight visibility would result in increased injuries and fatalities caused by the inability of motorists or pedestrians to recognize and respond to oncoming traffic.
- Plans indicate that the proposed structure would fall within the 40-foot clear sight triangle required for intersection of alleys but would not encroach into a 30-foot clear-sight triangle. Although the ordinance doesn’t require placement of secondary dwelling units, relevant comprehensive plans view SDUs very favorably and the subject site wouldn’t allow for the structure to be feasibly placed in a different location. Additionally, while concerns related to public safety are legitimate, the minimal clear-sight triangle encroachment would be at the intersection of two alleys that would typically feature slower vehicle speeds than those along primary streets. For these reasons, staff would recommend approval of the variance request.

GENERAL INFORMATION

Existing Zoning	D-5II	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North: I-2	North: Traditional Neighborhood
	South: D-5	South: Traditional Neighborhood
	East: D-5	East: Traditional Neighborhood
	West: D-P	West: Traditional Neighborhood
Thoroughfare Plan		
English Avenue	Primary Arterial	Existing ROW: 60’ Prop ROW: 78’
Context Area	Compact	

Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	12/14/2023
Site Plan (Amended)	N/A
Elevations	12/14/2023
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	12/14/2023
Findings of Fact (Amended)	1/11/2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood living typology for this site.
- The Pattern book encourages secondary dwelling units for this land use and typology and indicates that garages should be loaded from alleys and side streets when possible.

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

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- The IHG recommends that accessory structures should be placed behind primaries and encourages secondary dwelling units to promote affordability and a diversity of housing options.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2023ZON017, Rezoning of 0.08 acre from the D-5 district to the D-5II district, **approved**.

ZONING HISTORY – VICINITY

2023CVR857; 436 Spruce Street (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street (not permitted), **pending**.

2023CPL857; 436 Spruce Street (northeast of site), Approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot, **pending**.

2023CZN857; 436 Spruce Street (northeast of site), Rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district, **approved**.

2023ZON005; 1405 Deloss Street (northeast of site), Rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling, **approved**.

2022DV1011; 1422 English Avenue (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing structure with a one-foot east side setback and seven-foot rear yard setback and provide for building additions resulting in a three-story, single-family dwelling with a six-foot east side yard setback and a seven foot rear yard setback (maximum 2.5 story dwelling permitted, seven-foot side setback, 20-foot rear setback required), **withdrawn**.

2021ZON014; 1400 English Avenue (west of site), Rezoning of 1.85 acres from the SU-1 district to the D-P district for 37 dwelling units, consisting of 31 single-family attached dwellings and six single-family detached dwellings at a density of 20 units per acre, **approved**.

2021PLT051; 1400 English Avenue (west of site), Approval of a Subdivision Plat, to be known as Colere', dividing 1.89 acres into 36 single-family attached lots, **approved**.

2020DV2046; 514 Spruce Street (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and an attached garage, with a main floor area of 542 square feet within the clear sight triangle of the abutting street and alley (not permitted), with a two-foot front setback, a three-foot rear yard and 34% open space (main floor area of 660 square feet, 18-foot front setback or average, 20-foot rear setback and 60% open space required), **approved**.

2018HOV068; 1417 Deloss Street (northeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including but not limited to a single-family dwelling (not permitted), with three-foot and five-foot side



Department of Metropolitan Development
Division of Planning
Current Planning

setbacks and a six-foot front setback (10-foot side and 20-foot front setbacks required), and a 20-foot rear setback, with a five-foot rear setback for a detached garage (30-foot transitional setback required), **approved.**

2018HOV056; 1421 Deloss Street (northeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses (not permitted), including but not limited to a single-family dwelling, with a nine-foot front setback and two-foot side setbacks and a five-foot rear transitional setback for a detached garage (20-foot front yard, 10-foot side yards and 30-foot rear transitional yard required), **approved.**

2018DV3041; 1423 English Avenue (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,000 square-foot, 40-foot wide lot (minimum 7,200 square feet, 70-foot wide lot required) with 48% open space (60% open space required), **approved.**

2017HOV040 ; 1401 English Avenue (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwellings, with five-foot front setbacks (18 feet required), six feet between dwellings (10 feet required), within the clear sight triangle of the abutting streets (not permitted), on lots with deficient lot area and width (5,000 square feet and 50-foot width required), and with 50% open space (60% open space required), **approved.**

2017DV1031; 1447 English Avenue (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide a single-family dwelling and detached garage, creating 50% open space (60% required), with a 15-foot front setback (18-foot front setback required), with three and nine feet between dwellings, and with a two-foot side yard (10 feet between dwellings and three-foot side setback required), **approved.**

97-Z-86; 510 Laurel Street (southwest of site), Metropolitan Development Commission rezoning of 9.96 acres, being in the C-1 and D-5 Districts, to the SU-2 classification to provide for school uses, **approved.**

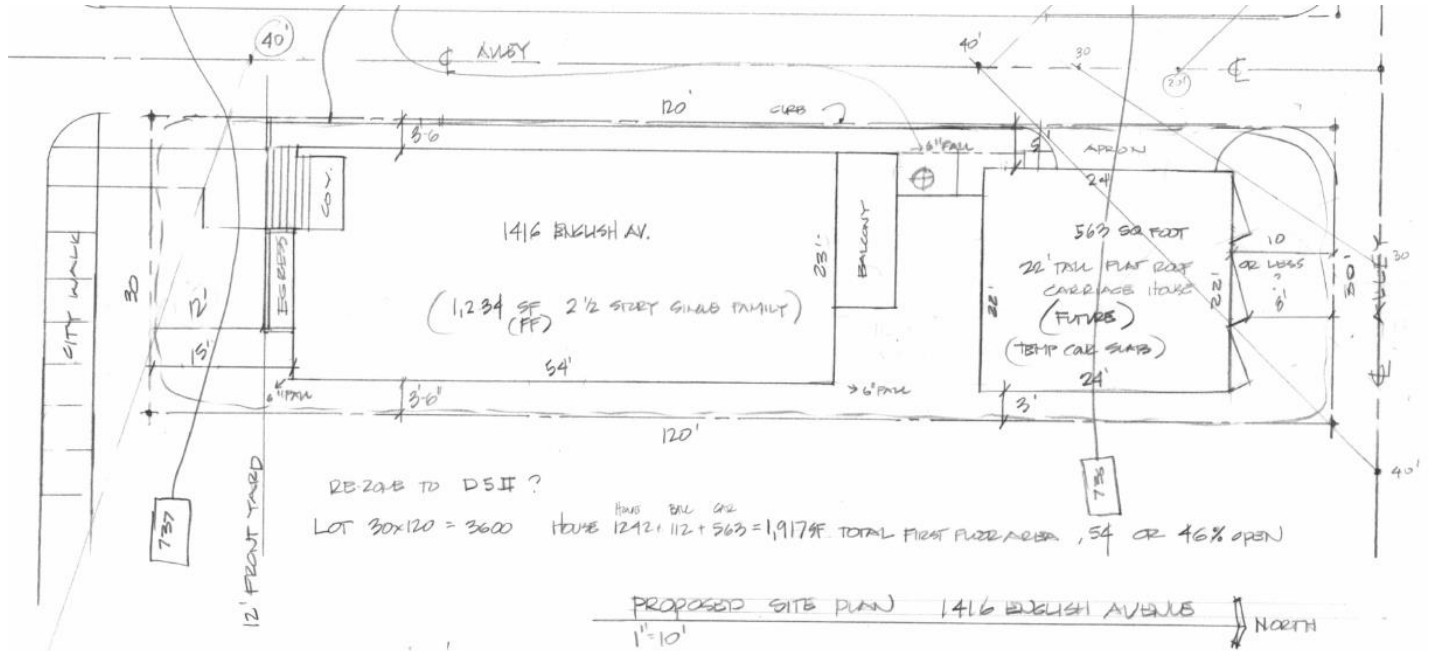
97-Z-81; 1400 English Avenue (west of site), Rezoning of 1.8 acres to the SU-1 zoning classification for religious uses, **approved.**

EXHIBITS

2024DV1004 ; Aerial Map



2024DV1004 ; Site Plan



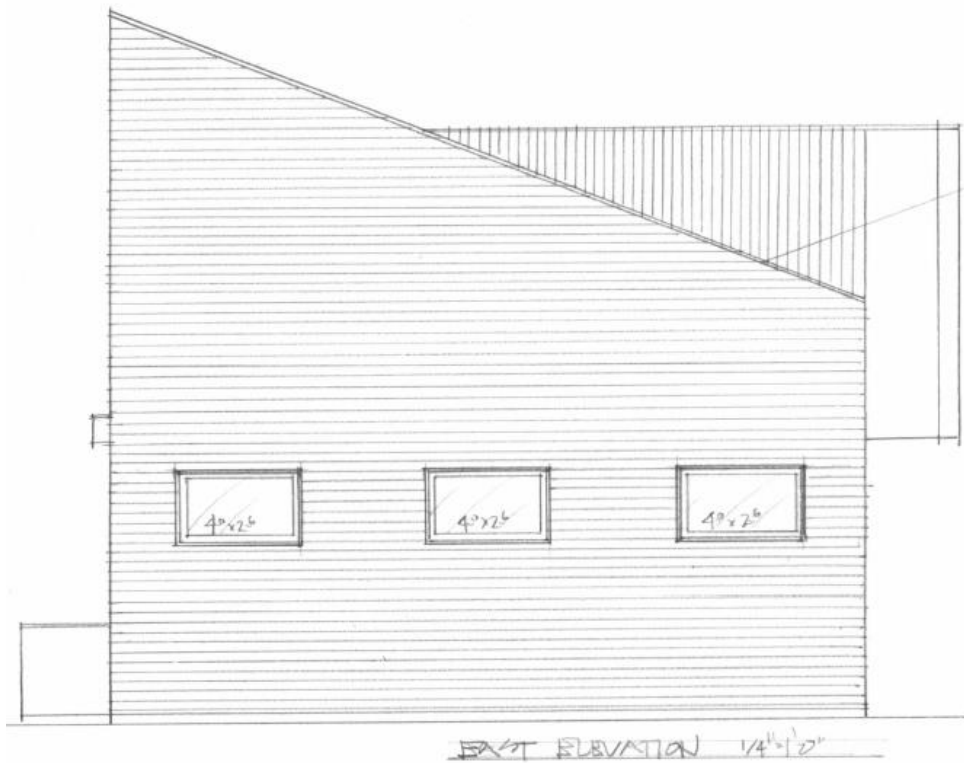
2024DV1004 ; West Elevation



2024DV1004 ; North/South Elevation



2024DV1004 ; East Elevation





2024DV1004 ; Findings of Fact

FINDINGS OF FACT

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

the grant will allow for the construction of a new detached carriage house garage for private residential use on lot zoned for residential.

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 proposed detached carriage house garage will be consistent with development in the area and adjacent area.

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

lot is next to an alley intersection making placement of detached garage difficult to meet current zoning requirements resulting in a need to reduce rear yard setback and allow for encroachment into clear-site triangle. Without variance approval, proposed detached carriage house garage will not be built.

2024DV1004 ; Pictures



Photo 1: Primary Residence Viewed from English Avenue (South)



Photo 2: Existing Side Alley Viewed from South

2024DV1004 ; Pictures (continued)



Photo 3: Proposed Location Viewed from Side Alley (Southwest)



Photo 4: Proposed Location Viewed from Rear Alley (North)

2024DV1004 ; Pictures (continued)



Photo 5: Rear Yard of Adjacent Property to West



Photo 6: Rear Yard of Adjacent Property to East