

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CVR-832 / 2023-CPL-832 (Amended)
Address: 2144 East 12th Street (Approximate Addresses)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Bybee Holdings LLC, by Jynell D. Berkshire
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
- b) Lot Two containing an area of 2,968 square feet;

And the construction of a single-family dwelling on each lot, with:

- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
- d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre in to two lots.

RECOMMENDATIONS

Staff **recommends approval** of the variance petitions to provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing an area of 2,742 square feet and Lot Two containing an area of 2,968 square feet; and the construction of a single-family dwelling on each lot, with: the dwelling on Lot One having a five-foot west rear yard setback; and the dwelling on Lot Two having a 5.1-foot rear yard setback.

Staff **recommends denial** of the variance to have a 1.8-foot front yard setback from Jefferson Avenue.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 10, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.

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2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. That no driveway curb cuts shall be permitted for Lot Two

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and is undeveloped. This site is in the Near Eastside neighborhood. This neighborhood is mostly single-family development. Several corner lots are subdivided to provide for two dwellings.
- ◇ This petition would subdivide the property into two lots to be developed with single-family detached dwellings.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing 2,742 square feet and Lot Two containing 2,968 square feet.
- ◇ The minimum lot area for D-5 for a detached house-small lot is 5,000 square feet. The standard for detached house-compact lot is 2,500 square feet, but is permitted in D-5II or higher. Staff would note that it would be preferred to rezone to a denser district; however, there is a precedent in the neighborhood for subdivision of corner lots. Staff would not be opposed to reduced lot area where it meets compact lot standards and is consistent with existing development.

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- ◇ This request would provide for construction of a single-family dwelling on Lot One with a front yard setback of 1.8 feet where ten feet is required, and a rear setback of five feet where 20 feet is required.
- ◇ Staff would not recommend approval of the 1.8-foot front setback on Jefferson Avenue. Staff would note that the proposed dwelling floor area could be modified or reduced to meet the required setback, and is therefore not supportive.
- ◇ The proposed Lot One is oriented so that its frontage is on the east, making the lot depth only forty feet. This would make the rear yard align with the side yard of adjacent lots, which have a minimum setback of five feet. Staff would note that most lots' rear yards are on the alley while this orientation puts the alley access in the side yard. Given the general placement of the structure is consistent with the north and east/west setbacks of the neighborhood, staff is not opposed to the five-foot rear setback.
- ◇ This request would provide for construction of a single-family dwelling on Lot Two with a 5.1-foot rear yard setback where 20 feet is required. Staff would note that the compact lot standards allow for a 15-foot setback, which would be more appropriate for a lot of this size. Staff would also note that although the front setback could be decreased so that the rear yard could be increased, the current front setback is more consistent with the neighborhood lot averages. Staff would not be opposed to a reduced rear setback where all other setbacks and open space are met, and where the proposed dwelling placement is consistent with the neighborhood development patterns.

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat generally meets the standards of the D-5 zoning classifications and variances of development standards as proposed in this companion petition.

TRAFFIC / STREETS

- ◇ The proposed lots would both have frontage on Jefferson Avenue to the east. Lot One will also have alley access to the north side yard. Lot Two's frontage would be on East 12th Street to the South. No new streets are proposed as part of this petition.
- ◇ Staff is requesting a condition that no curb cuts be permitted for Lot Two. Staff believes a driveway on Jefferson Avenue would be too close to the intersection to the south.

SIDEWALKS

- ◇ Sidewalks are existing on the 12th Street and Jefferson Avenue frontages.

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GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-5	Residential
South	D-5	Residential
East	D-5	Residential
West	D-5	Residential

COMPREHENSIVE LAND USE PLAN Traditional Neighborhood

THOROUGHFARE PLAN

East 12th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.
Jefferson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

SITE PLAN

File-dated June 10, 2023

PRELIMINARY PLAT

File-dated June 10, 2023

FINDINGS OF FACT

File-dated June 10, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2022-UV1-004, 1131 Jefferson Avenue, Variance to provide for the detached single-family dwelling with a four-foot north side setback and the construction of a detached garage with three-foot side setbacks, **approved**.

2019-HOV-048, 1135 Jefferson Avenue, variance to provide for a single-family dwelling and attached garage with a five-foot rear setback and 50% open space, **approved**.

2002-UV1-040, 1131 Jefferson Avenue, variance to legally establish a two-family dwelling in the D-5 district, **approved**.

96-V2-5, 1131 Jefferson Avenue, variance to permit an above-ground pool and six-foot-tall fence in the front yard, **approved**.

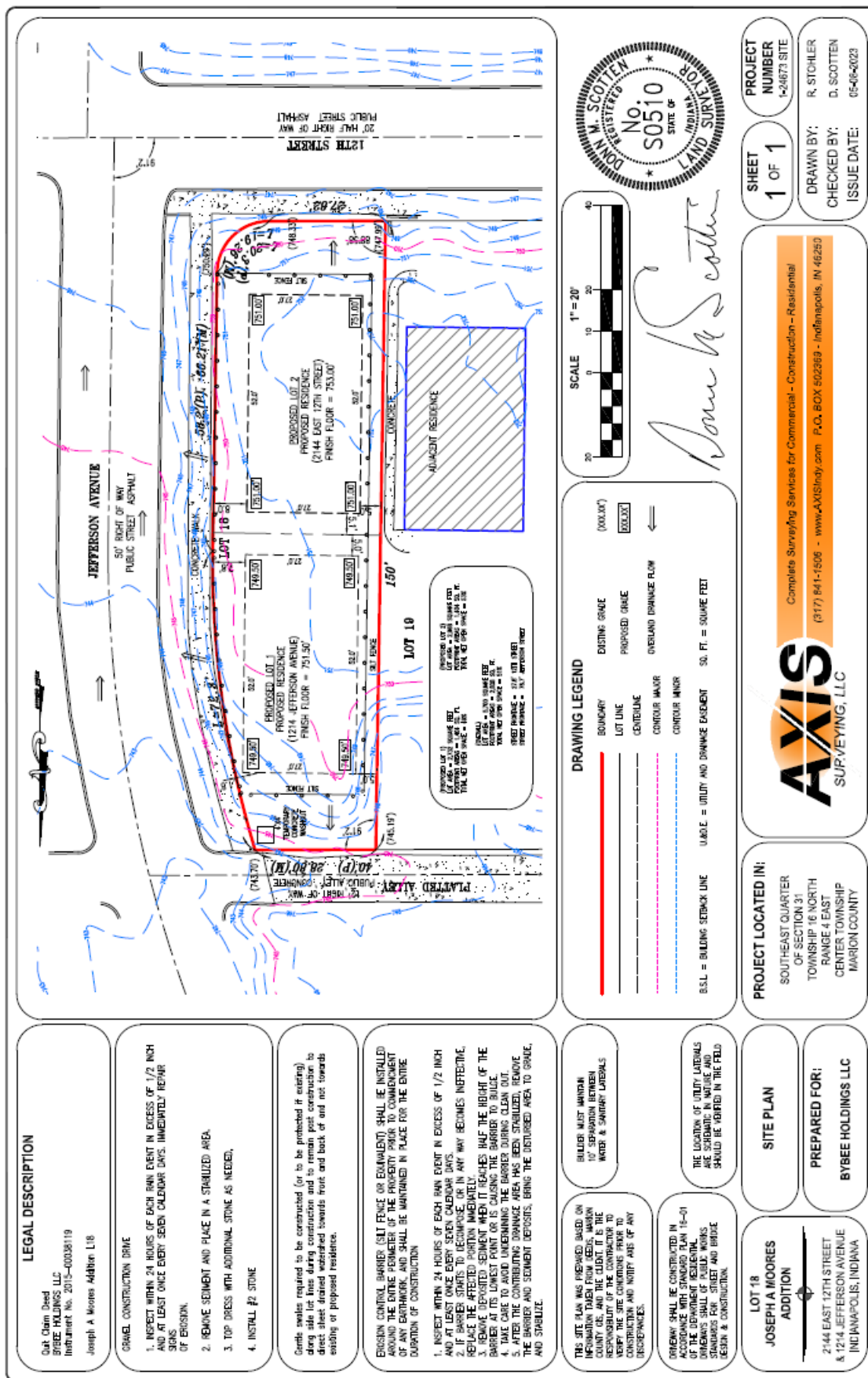
95-V1-48, 1125 North Hamilton Avenue, variance to provide for a six-foot-tall fence in the front yard, **approved**.

88-UV3-105, 2115 East 12th Street, variance to provide for a two-family dwelling in the D-5 district, **approved**.

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2023-CVR-832 / 2023-CPL-832 Aerial Map





2023-CVR-832 / 2023-CPL-832 Site Photos



Subject site viewed from the intersection of 12th Street and Jefferson Avenue, looking north



Proposed Lot Two, looking north



Proposed Lot One, Jefferson Avenue frontage, looking south



Proposed Lot One, alley access, looking south



East of site



South of Site