

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-812 / 2023-CVR-812
Address: 1257 South East Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Bryce Chambers, by Mark and Kim Crouch
Requests: Rezoning of 0.13 acre from the C-1 district to the D-5 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide an 810-square foot secondary dwelling unit (maximum 720-square foot secondary dwelling unit permitted) without an entrance visible from the public right-of-way (not permitted).

RECOMMENDATIONS

Staff **recommends approval** of the rezoning request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other

Staff **recommends denial** of the variance request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.13-acre site, zoned C-1, is developed with a single-family dwelling. It is surrounded by a single-family dwelling to the north, zoned C-1; a single-family dwelling to the south, zoned D-5; a single-family dwelling to the east, zoned D-5; and commercial uses to the west, across South East Street, zoned C-3.

(Continued)

REZONING

- ◇ This request would rezone the site from C-1 District to the D-5 classification to provide for residential uses. “The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.”
- ◇ The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology 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, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

(Continued)

STAFF REPORT 2023-CZN-812 / 2023-CVR-812 (Continued)

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Detached Housing

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

(Continued)

STAFF REPORT 2023-CZN-812 / 2023-CVR-812 (Continued)

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Infill Housing Guidelines

- ◇ The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

(Continued)

STAFF REPORT 2023-CZN-812 / 2023-CVR-812 (Continued)

Site Plan

- ◇ The site plan, file-dated March 10, 2023, depicts the existing single-family that was constructed in 1900 (according to the Assessor's Office records), with a proposed 27-foot by 30-foot (810 square feet) three-car detached garage.
- ◇ Access to the garage would be via a north / south alley abutting the site to the east.

Planning Analysis

- ◇ As proposed the rezoning request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology.
- ◇ The residential-sized parcel was developed with two-family dwelling many years ago, which would be converted to a single-family dwelling. The current C-1 zoning district does not reflect the long-time and historical residential use on this parcel. Staff, therefore, supports this rezoning because the zoning classification would be consistent with the existing residential use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for an 810-square foot secondary dwelling unit when the Ordinance limits the size to a maximum of 720-square feet secondary dwelling, without an entrance visible from the public right-of-way. The Ordinance requires that the entrance be visible from the right-of-way.
- ◇ The purpose of the limitation on a secondary dwelling unit is to maintain the scale and prominence of the primary structure (proposed single-family dwelling). As proposed, the secondary dwelling unit above the garage results in a 26-foot-tall two-story structure when the existing dwelling is a one-story structure with an attic. Staff believes the mass of the proposed three-car garage with a secondary dwelling unit minimizes the prominence of the existing residential structure and compromises the appropriate scale of the dwelling in relation to the development of the site and surrounding structures.
- ◇ The request would also permit an entrance to the secondary dwelling to be visibly obscured and hidden from view, thereby creating a health and safety issue for the comings and goings of the occupants of that secondary dwelling unit.
- ◇ Staff does not believe there is a practical difficulty and, in fact, believes the practical difficulty presented by the petitioner's representative is clearly self-imposed. The secondary dwelling could be reduced to comply with the Ordinance, without the need for a variance.
- ◇ For these reasons, staff recommends denial of the variance requests.

(Continued)

STAFF REPORT 2023-CZN-812 / 2023-CVR-812 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1	Single-family dwelling
-----	------------------------

SURROUNDING ZONING AND LAND USE

North -	C-1	Single-family dwelling
South -	D-5	Single-family dwelling
East -	D-5	Single-family dwelling
West -	C-3	Commercial uses (vacant)

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
-----------------------------	---

THOROUGHFARE PLAN	This portion of South East Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 46-foot right-of-way and a proposed 56-foot right-of-way.
-------------------	---

CONTEXT AREA	This site is located within the compact context area.
--------------	---

OVERLAY	This site is not located within an overlay.
---------	---

FINDINGS OF FACT	File-dated March 10, 2023
------------------	---------------------------

SITE PLAN	File-dated March 10, 2023
-----------	---------------------------

ELEVATIONS	File-dated March 24, 2023
------------	---------------------------

ZONING HISTORY

2017-CZN-837; 1306 South East Street (west of site),. requested rezoning of 0.8 acre from the C-3 district to the D-5 classification, **approved**.

2016-ZON-015; 1263 South East Street (south of site), requested rezoning of 0.11 acre, from the D-P District, to the D-5 classification, **approved**.

2015-UV3-033; 1324 South East Street (south of site), requested variances of development standards of the Commercial Zoning Ordinance and Sign regulations to provide for expansion of an existing commercial building for a restaurant, with outdoor seating, reduced parking, carryout without the required separation from a protected district, zero-foot setbacks for the outdoor seating and parking lot, maneuvering within the right-of-way, and a pick-up window awning extending into the right-of-way, **granted**.

(Continued)

STAFF REPORT 2023-CZN-812 / 2023-CVR-812 (Continued)

2015-HOV-027; 601 Sanders Street (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a zero-foot side yard setback and a reduction in the required open space, **granted**.

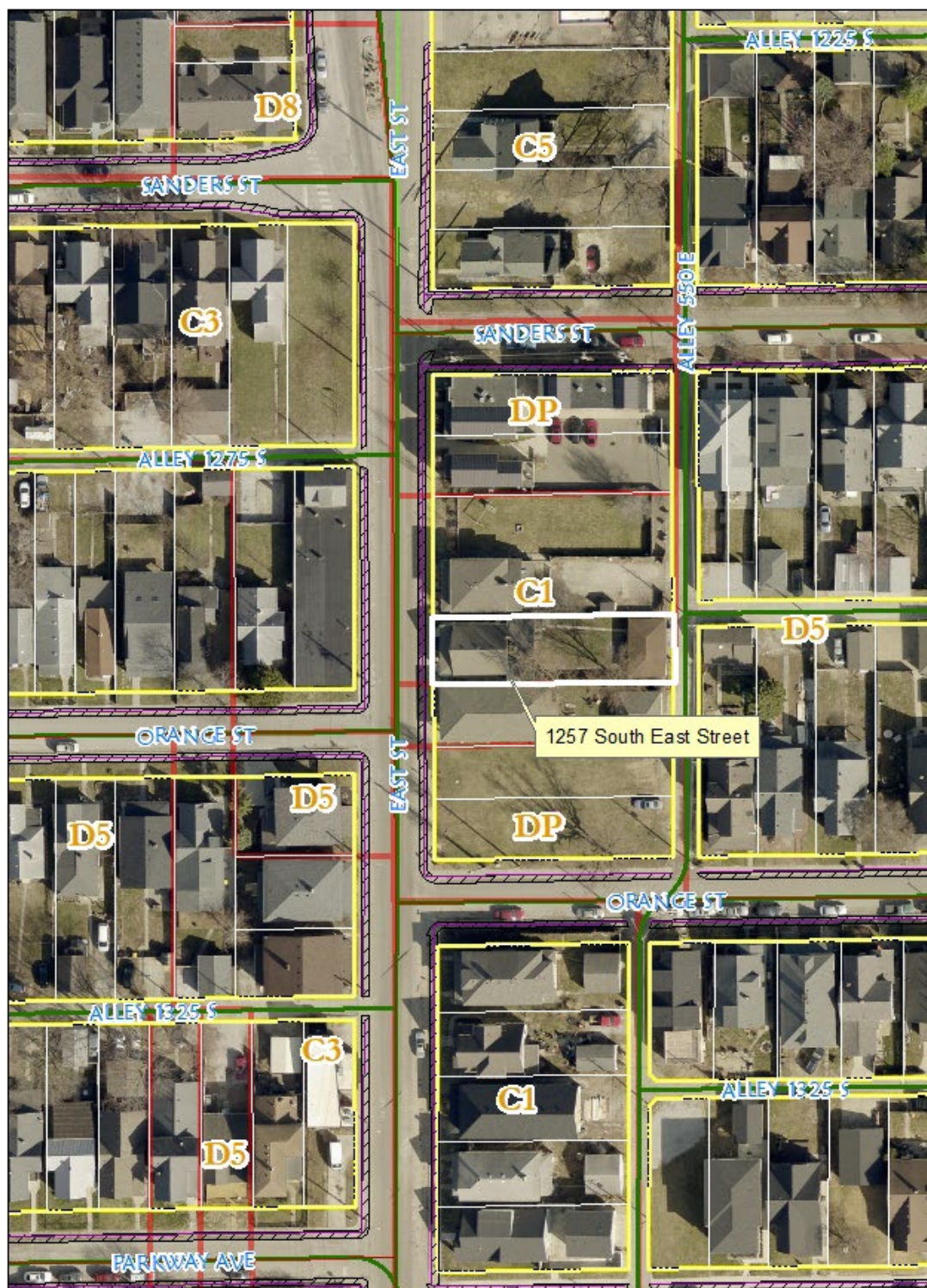
2011-ZON-011 (2011-DP-001); 1239,12415,1265,1267 and 1271 South East Street, (north and south of site) request rezoning of 0.56 acre, from the C-1 District to the C-P classification to provide for fourteen multi-family residential uses at a density of 25 units per acre, **approved**.

2009-UV2-034; 1319 South East Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the conversion of a non-conforming single-family dwelling into a two-unit dwelling and to provide for an entrance landing with reduced side setback, **withdrawn**.

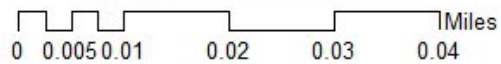
2003-LNU-001; 1270 South East Street (south of site), requested legal nonconforming use status to establish a tavern in a C-1 District, **granted**.

87-UV3-85; 613 Sanders Street (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage for a two-family dwelling, with reduced side yard setback, **granted**.

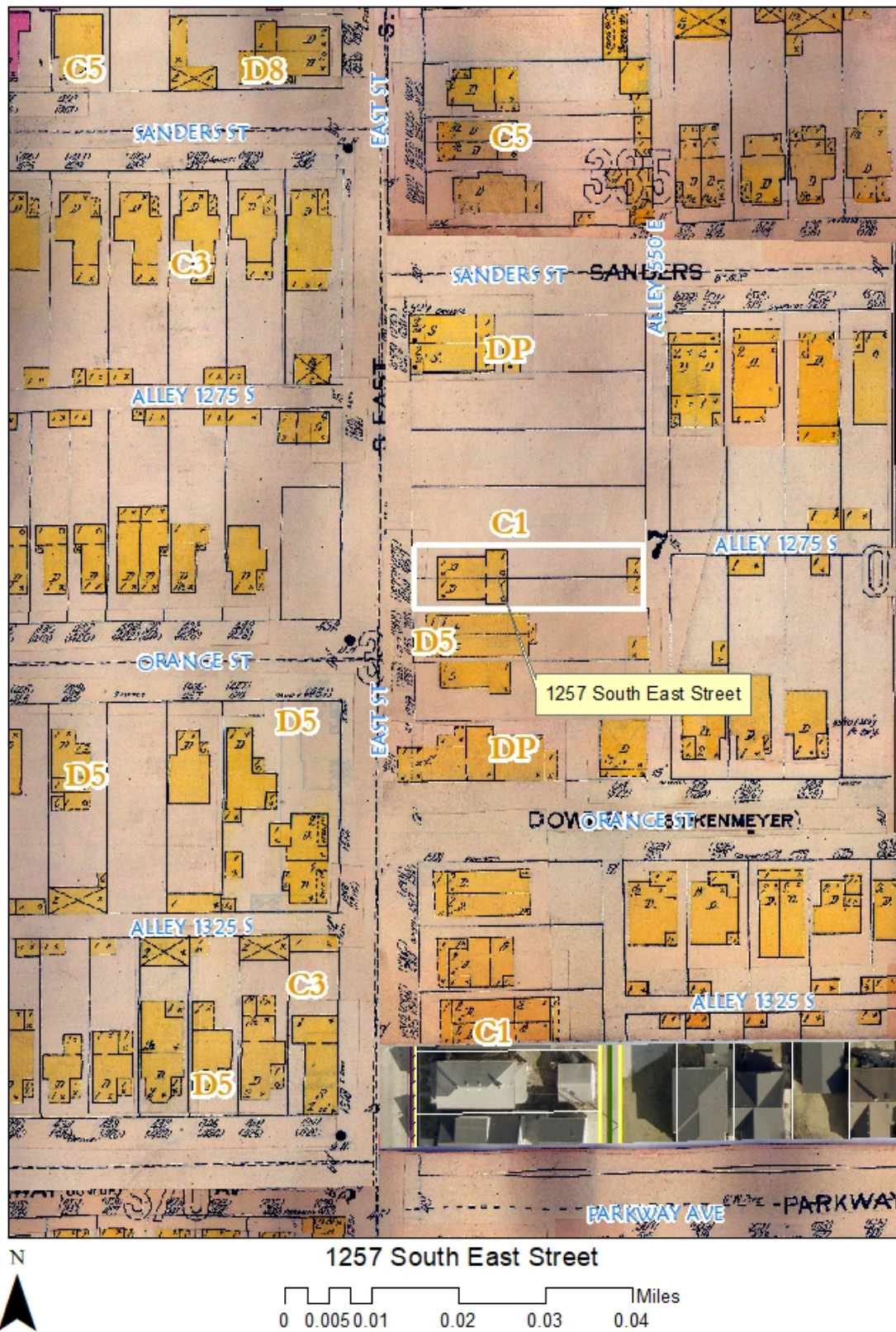
kb



1257 South East Street

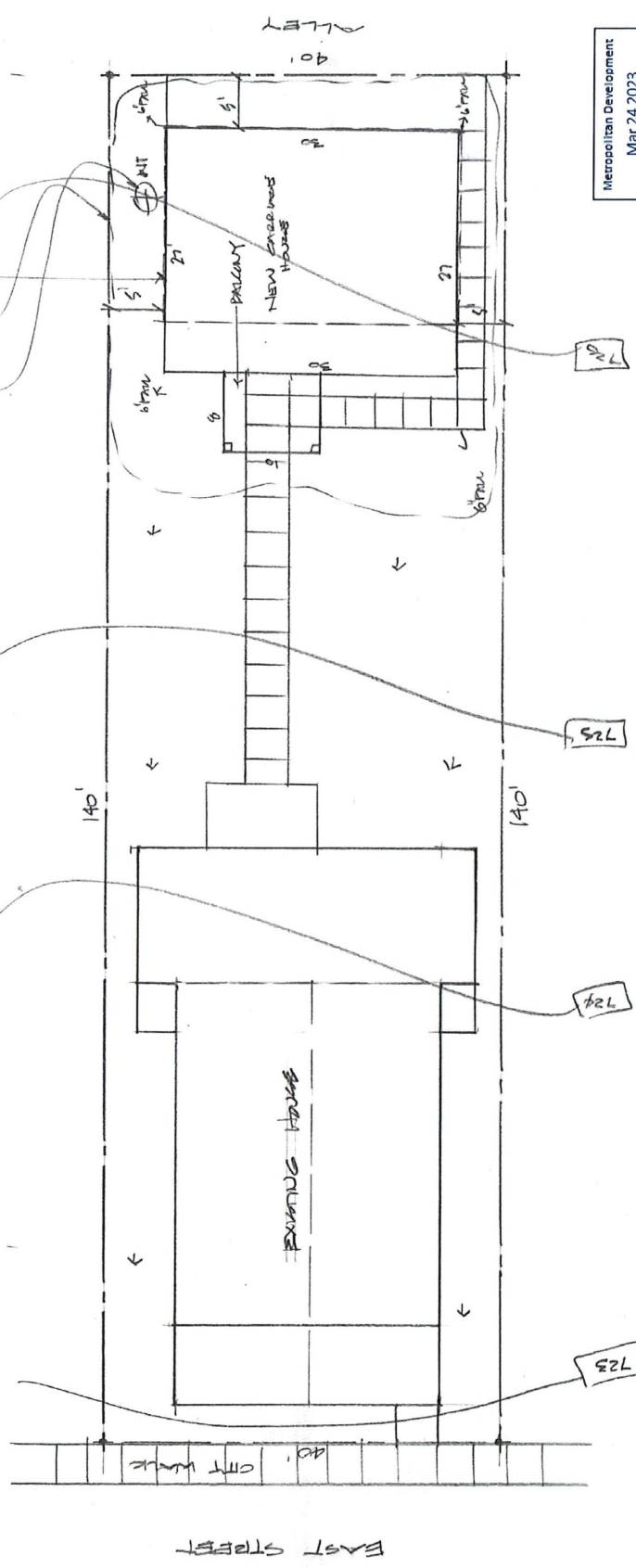


1898 Sanborn Map



- Drainage Notes
1. Silt fence is placed in vertical as is
 2. Concrete kerb on top
 3. All heavy traffic is from alley
 4. No work to plan
 5. All fence removed to clear spaces

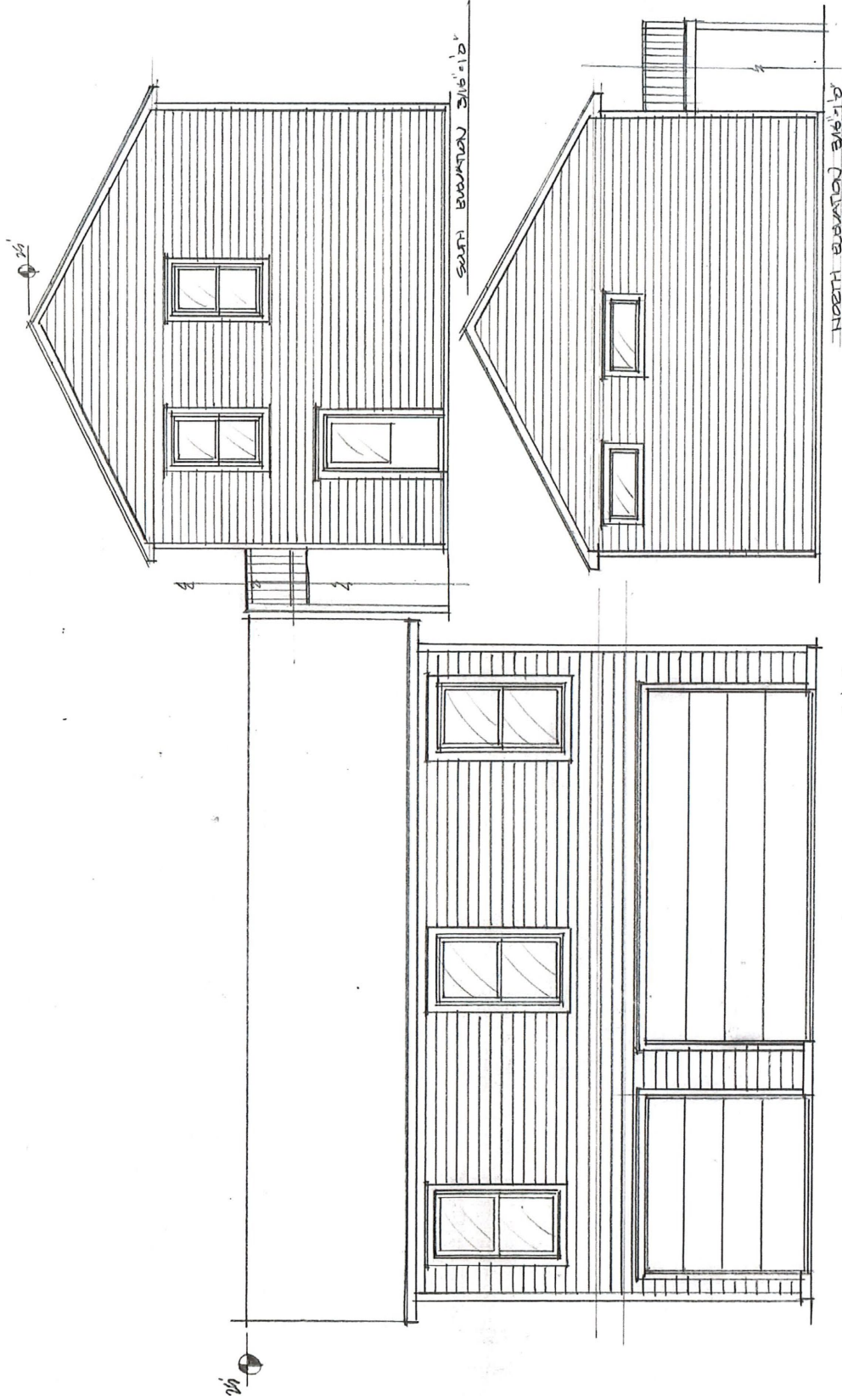
DEMO 20130 GARAGE



Metropolitan Development
Mar 24 2023
Division of Planning

DISBURSED AREA 900 SF

SITE/DRAINAGE PLAN 1257 S EAST STREET 1"=10'

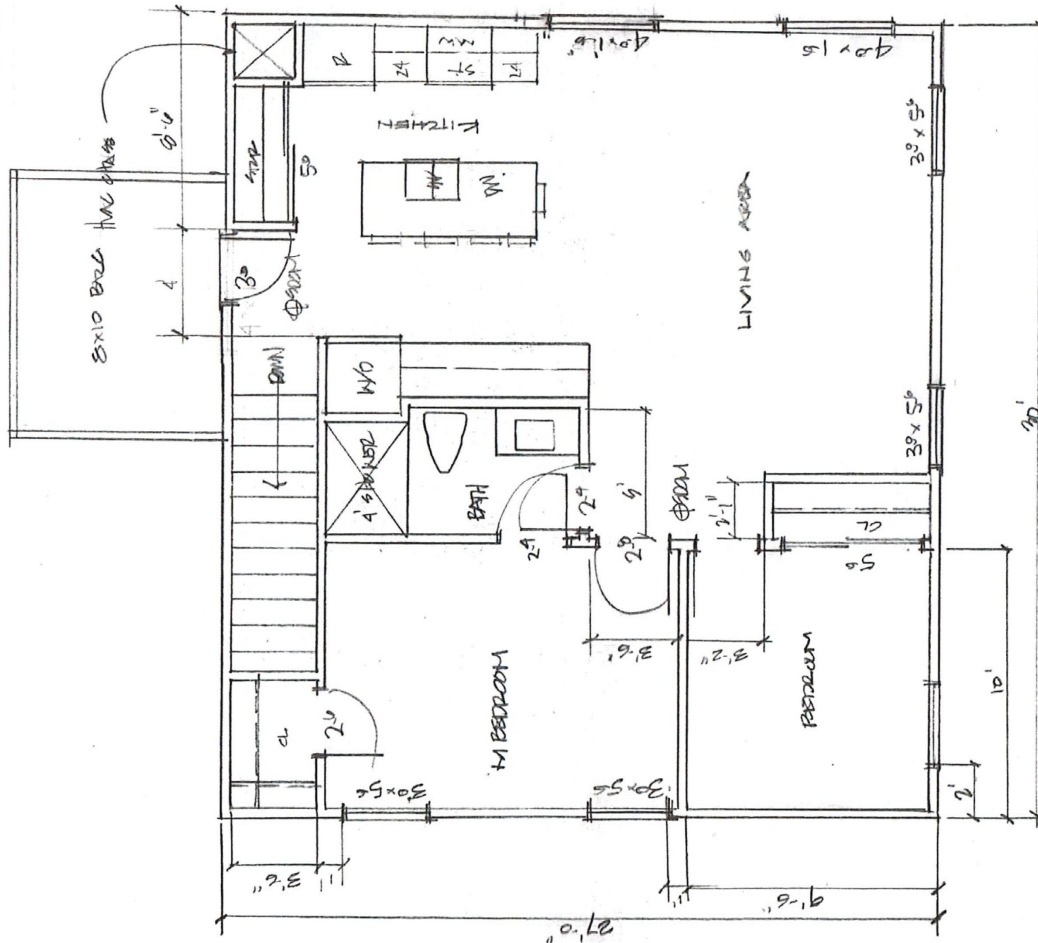


EAST ELEVATION 1/4"=1'-0"

SOUTH ELEVATION 3/16"=1'-0"

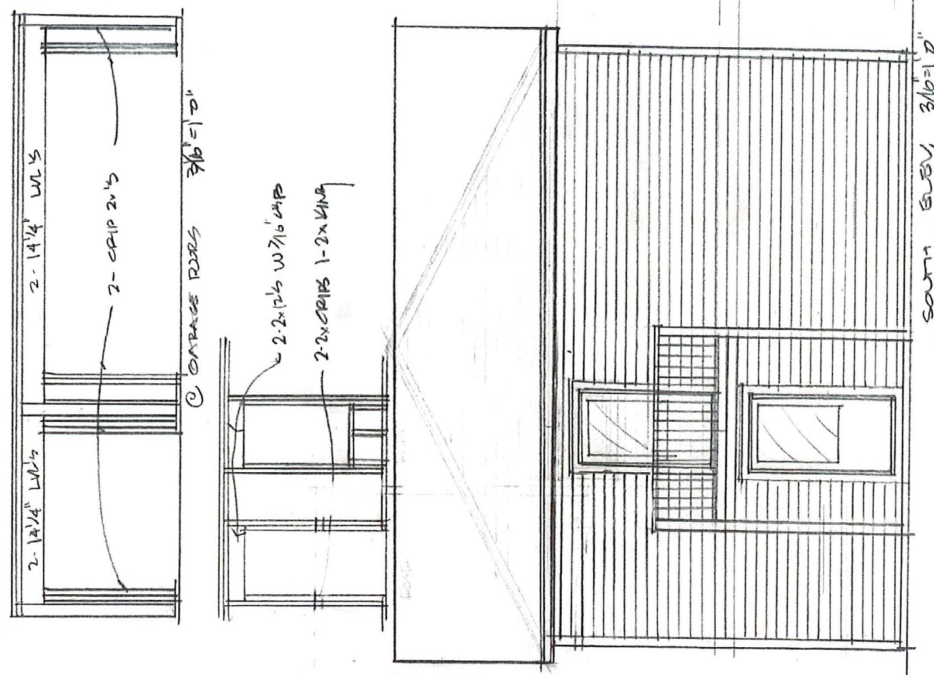
NORTH ELEVATION 3/16"=1'-0"

Metropolitan Development
Mar 24 2023
Division of Planning



Metropolitan Development
Mar 24 2023
Division of Planning

SECOND LEVEL 14'-1" x 50'-0"
720 SF INTERIOR SPACE



SOUTH ELEV, 3/16/10

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:

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

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:

the previous garage was similar to proposed footprint but needed to be expanded on to include enclosed staircase resulting in a need to increase allowable square footage. Without variance approval, proposed detached carriage house garage will not be built.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	



View looking north along South East Street



View looking south along South East Street



View of site looking west across South East Street



View of site looking northeast across South East Street



View looking west at location of proposed garage



View looking west at location of proposed garage