

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-012
Address: 2411 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Martindale Brightwood Community development Corp., by Jamilah Mintze (In and Out Unlimited LLC)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 30-foot-wide lot with an area of 4,050 square feet (minimum 60-foot lot width, minimum 7,200 square foot lot area), with an eight-foot lot width for proposed plat of Lot 17A and a 22-foot lot width for proposed plat of Lot 17B, and a parking pad with 1.5-foot side yard setbacks (three-foot side yard setbacks required).

This petition was continued and transferred from the April 18, 2023 hearing to the May 9, 2023 hearing to provide for an amendment.

RECOMMENDATIONS

Staff **recommends approval** of this request to provide for the construction of a duplex on a 30-foot-wide lot with an area of 4,050 square feet, with an eight-foot lot width for proposed plat of Lot 17A and a 22-foot lot width for the proposed plat of Lot 17B.

Staff **recommends denial** of the request to provide for a parking pad with 1.5-foot side yard setbacks.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-5	Compact	Multi-unit dwelling
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SURROUNDING ZONING AND LAND USE

North	D-5	Undeveloped
South	D-5	Single-family dwelling
East	D-5	Single-family dwelling
West	D-5	Single-family dwelling

LAND USE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development.

(Continued)

STAFF REPORT 2023-DV3-012 (Continued)

- ◇ The subject site is zoned D-5 and developed with a multi-unit house (two units). This property is within the Parker, Hanway and Hanna's Resubdivision northeast of the Interstate-70 exit on Keystone Avenue in the Martindale-Brightwood neighborhood.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for the construction of a duplex on a 30-foot-wide lot with an area of 4,050 square feet, with an eight-foot lot width for proposed plat of Lot 17A, a 22-foot lot width for proposed plat of Lot 17B, and a parking pad with 1.5-foot side yard setbacks.
- ◇ This request would provide for a parking pad in the rear yard with 1.5-foot setbacks where three feet is required. The ordinance requires that off-street parking must meet the building setback requirements for the zoning district. The proposed parking pad is 27-feet in width. The ordinance requires one off-street parking space for each dwelling unit. Staff would suggest that the proposed parking pad could be reduced to 24-feet in width and easily accommodate parking for two vehicles and meet the required three-foot side yard setbacks. Staff recommends denial for the reduced side yard setbacks for the parking pad.
- ◇ This request would provide for the construction of a duplex on a 30-foot-wide lot with an area of 4,050 square feet, with an eight-foot lot width for proposed plat of Lot 17A and a 22-foot lot width for proposed plat of Lot 17B. The ordinance would permit a multi-unit house in the D-5 district with a minimum lot width of 35 feet and a minimum lot area of 3,500 square feet; however, multi-unit houses are not permitted to be platted into single-family attached dwellings. Newly constructed single-family attached dwellings must meet the standards for a duplex in the D-5 district.
- ◇ This site has a lot area of 4,050 square feet and a lot width of 30 feet. It is common that historic platted properties are less than the minimum lot area and width for the D-5 district, but exceptions for infill development apply only to single-family dwellings. As a multi-unit house, the site is only deficient five feet of lot width, but multi-unit houses do not allow for platting the structure into single-family attached dwellings without variances to legally establish the structure as a duplex.
- ◇ Although the site is less than the required size for a traditional duplex, staff would note that regardless of whether this property is platted into two parcels, it would still function as a two-family dwelling. The proposed variances for lot size and width would allow each dwelling unit to have individual ownership with minimal impact on the surrounding properties. Staff would note that if approved, the variance and subsequent plat would not permit detached single-family dwellings to be built on the individual lots. Therefore, staff is not opposed to the variances for reduced lot width and area, and the proposed lot widths of eight feet and 22-feet for Lots 17A and 17B, respectively.

GENERAL INFORMATION

THOROUGHFARE PLAN

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

(Continued)

STAFF REPORT 2023-DV3-012 (Continued)

SITE PLAN File-dated March 7, 2023.

ELEVATIONS File-dated March 7, 2023.

FINDINGS OF FACT File-dated March 7, 2023.

ZONING HISTORY – SITE

PREVIOUS CASES: None

ZONING HISTORY – VICINITY

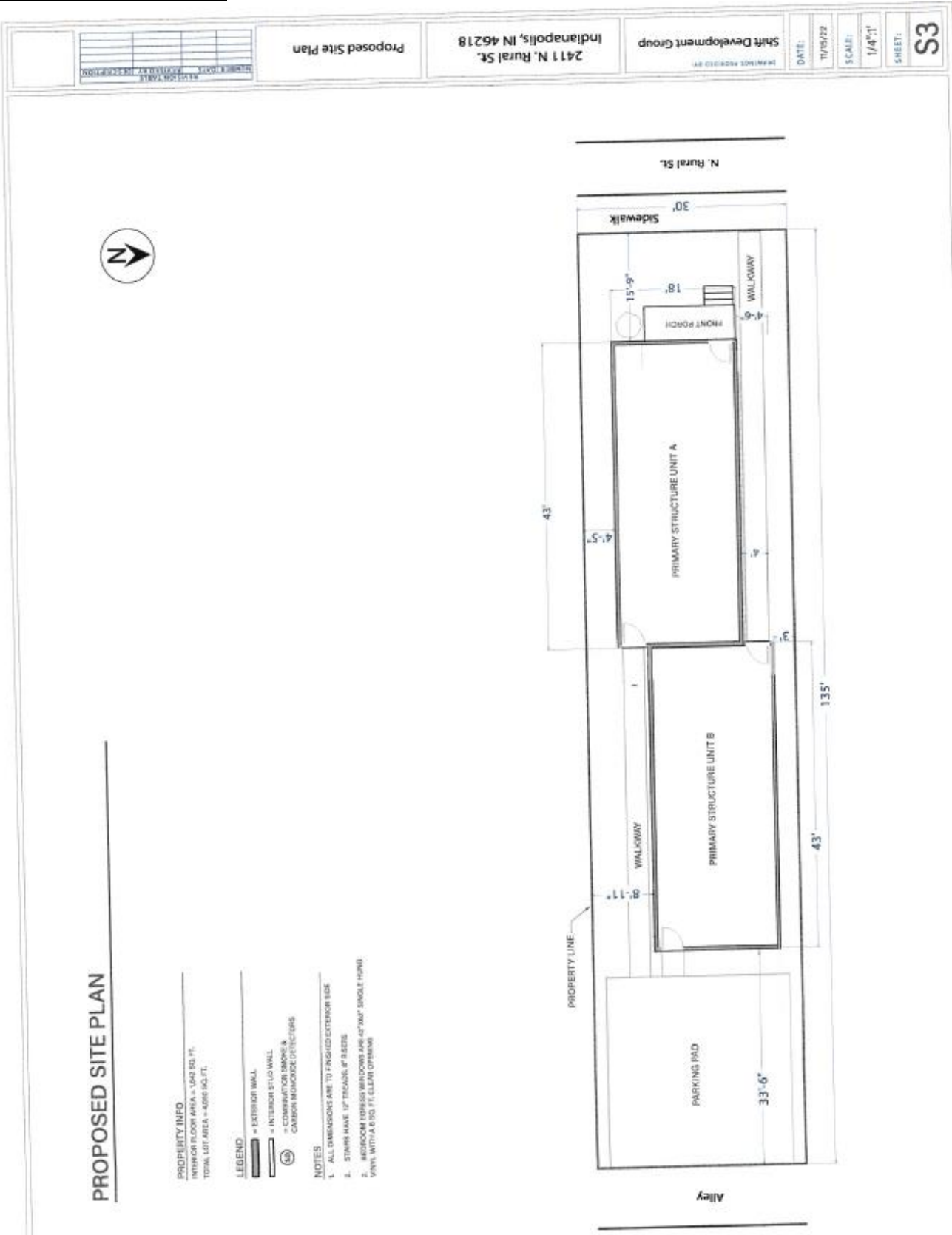
86-UV3-081, 2815 East 25th Street, special exception to permit a religious use, **approved**.

88-Z-271, 2432 North Rural Street, rezoning of 0.204 acre from the D-5 district to the SU-1 district, **withdrawn**.

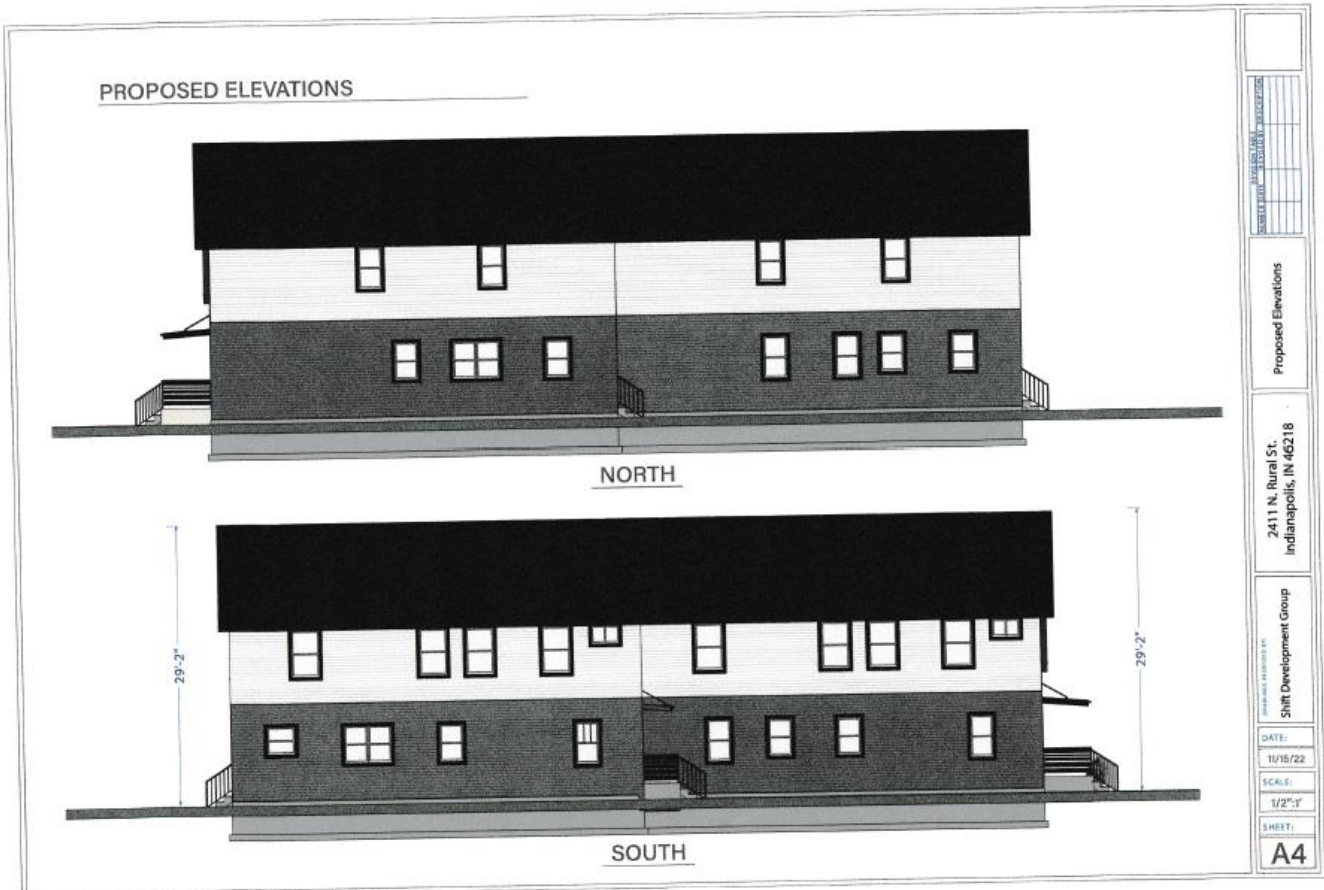
94-Z-85, 2815 East 25th Street, rezoning of 0.659 acres from the C-3 and D-5 district to the SU-1 district, **approved**.

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This aerial map displays a residential neighborhood with property boundaries and addresses. The central property, 2415 D5, is highlighted with a red rectangle. The map shows a grid of lots with addresses ranging from 2354 to 2436. A road labeled 'H RURAL CT' runs vertically through the center, and 'H OXFORD ST' runs vertically on the right. A yellow dot and a red dot are marked on the central property.



2023-DV3-012; Elevations



2023-DV3-012; Findings of Fact

**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:

Proposed plans for development on this site would not be injurious to any property adjacent, the request for 2 family dwellings would benefit and provide a new overall facade to the existing area

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:

This petition is within the single family dwelling development plan for the area. Petitioning for this approval will give access to provide affordable housing for residents within the community.

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

This project was approved and issued permits to begin construction, has such since begun the construction of this dwelling. Plan review for additional projects, the matter was brought to attention of the development requirements for the parcel and as such, the petition is necessary to obtain proper approval to continue with completion of this parcel.

DECISION

2023-DV3-012; Photographs



Subject site viewed from Rural Street, looking east



Subject site viewed from alley, looking south



North of site