

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV1-015  
**Address:** 1128 South High School Road (approximate address)  
**Location:** Wayne Township, Council District #22  
**Zoning:** D-3  
**Petitioner:** Arcelia Hernandez-Badillo & Leodegario Montiel-Munoz, by Sarah Walters  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage with a four-foot south side yard setback, resulting in an eight-foot aggregate side yard setback, six-foot rear yard setback and 63% open space (six-foot side yard setback, 16-foot aggregate side yard setback, 20-foot rear yard setback, and 70% open space required).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-3	Metro	Residential (Single-family dwelling)
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##### **SURROUNDING ZONING AND LAND USE**

North	D-3	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwelling)
East	SU-2	School
West	D-3	Residential (Single-family dwelling)

<b>COMPREHENSIVE PLAN</b>	The Comprehensive Plan recommends suburban neighborhood development.
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- ◇ The 0.13-acre subject site is developed with a single-family dwelling, detached garage, and shed.
- ◇ The site is surrounded by residential development on the west side of High School Road and a school with associated parking area east of the site.

(Continued)

## **STAFF REPORT 2023-DV1-015 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would allow for the construction of an attached garage with a four-foot south side yard setback, resulting in an eight-foot aggregate side yard setback, six-foot rear yard setback and 63% open space.
- ◇ Setbacks are required to keep a minimum distance between property improvements and help reduce drainage overflows onto adjacent properties. Additionally, setbacks provide the required space needed to construct and maintain structures on a property without requiring access through adjacent properties.
- ◇ According to Table 744-201-1 of the Consolidated Zoning and Subdivision Ordinance, the D-3 district in the Metro Context area requires minimum six-foot side setbacks, aggregate 16-foot side setbacks, 20-foot rear setback, and 70% open space. However, these standards are for a typical D-3 zoned lot measuring 10,000 square feet with a 70-foot lot width.
- ◇ The subject site measures approximately 4,358 square feet and is 50-feet wide. The existing dwelling has a four-foot north side setback and the detached garage to be demolished has a four-foot south side setback and six-foot rear setback.
- ◇ Since the garage addition would create a four-foot south side setback for an 18-foot-wide garage entrance width, staff determined that this would be acceptable considering the possibility of a detached garage would not be viable due to the unusually short lot depth of 92 feet compared to the 313-foot lot depth of the properties north and south of the site.
- ◇ Furthermore, Staff understands that the 20-foot rear setback would be difficult to meet even if a minimally sized 20 by 20-foot garage were proposed. Ultimately, the deficient lot size and lot width create difficulties with meeting the side, rear, aggregate side setback and 70% open space from being met.
- ◇ In staff's opinion, the strict application of the terms of the zoning ordinance would result in practical difficulties in the use of the property because the property is limited in size, which dictates the location of a garage on site.
- ◇ For these reasons, staff is supportive of the variance request.

### **GENERAL INFORMATION**

#### **THOROUGHFARE PLAN**

High School Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 70-foot existing right-of-way and a 90-foot proposed right-of-way.

#### **SITE PLAN**

File-dated March 7,2023.

#### **FINDINGS OF FACT**

File-dated March 7,2023.

(Continued)

## **STAFF REPORT 2023-DV1-015 (Continued)**

### **ZONING HISTORY – SITE**

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

None.

### **ZONING HISTORY – VICINITY**

**2022-UV1-040; 1220 South High School Road** (south of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the location of solar panels within the front yard of High School Road (solar panels not permitted within the front yard, accessory structures not permitted in front of the primary building in Dwelling Districts), **granted**.

**2020-DV3-016; 6331 West Morris Street** (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a secondary dwelling and three-foot south side setback (six-foot side setbacks required) within the clear sight triangle of the abutting alleys (not permitted) on a lot without frontage on a public street (not permitted) and with 63% open space (70% open space required), **granted**.

**2019-DV2-037; 1055 South High School Road** (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-story accessory building taller than the primary dwelling (not permitted), **granted**.

**2012-UV3-020; 1138 South High School Road (south of site)**, Variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Sign Regulations to provide for a substance abuse counseling agency (not permitted) and to provide for a 2.125-square foot sign hanging from the mailbox (not permitted), **denied**.

**2008-DV2-064; 1220 South High School Road (east of site)**, Variance of development standards of the Sign Regulations to legally established a 6.083 foot tall, 33.33 square foot pylon sign, containing a 24 square foot electronic variable message sign component being 72 percent of the total sign area, within approximately 60 feet of a protected district, **granted**.

**2008-DV2-063; 1220 South High School Road (south of site)**, Variance of Development Standards of the Sign Regulations to legally establish a 6.083-foot tall, 33.33-square foot pylon sign (maximum four-foot tall ground sign permitted), containing a 24-square foot electronic variable message sign component (not permitted) being 72 percent of the total sign area (maximum 13.3 square feet or 40 percent of the total sign area permitted), within approximately 155 feet of a protected district (minimum 600-foot separation required), **granted**.

**2003-UV1-001; 1050 South High School Road** (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the storage of three commercial vehicles in a Dwelling District (not permitted), for up to a five-year period, **denied**.

(Continued)

**STAFF REPORT 2023-DV1-015 (Continued)**

**2001-DV1-068; 1050 South High School Road** (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the outside storage of a semi-tractor and trailer (commercial vehicles or trailers not permitted to be parked, stored, maintained or kept on any property in a Dwelling District unless the vehicle has a maximum load capacity of  $\frac{3}{4}$  of a ton or less and serves as the sole vehicle transportation of a resident of the property, and is within a garage or carport which complies with all standards and regulations of the Dwelling Districts Zoning Ordinance), **denied.**

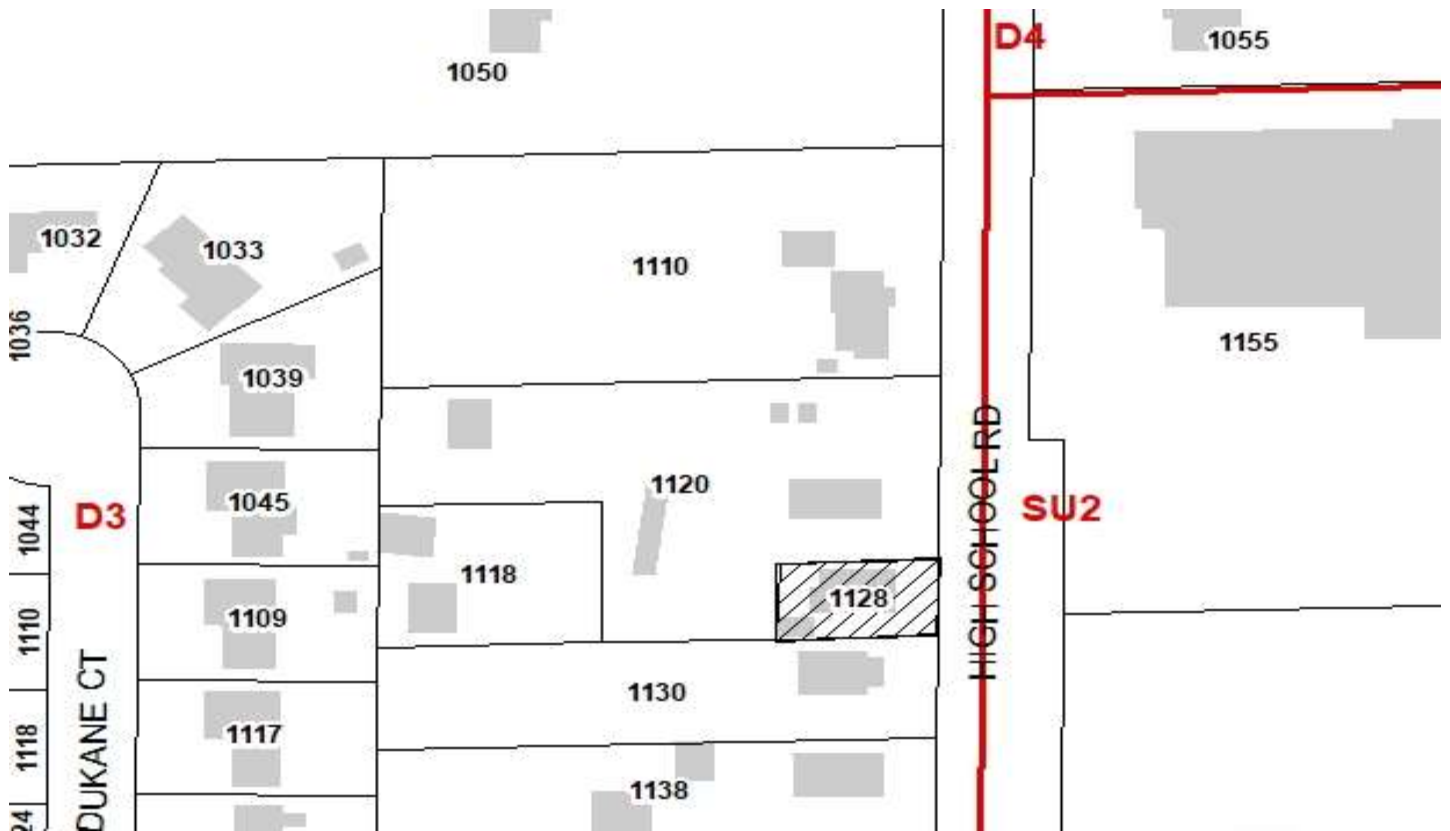
**87-V2-107; 6410 West Morris Street (southwest of site)**, Variance of the development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage located within the required front setback from Morris Street, **withdrawn.**

**83-V3-8; 350 West Ray Street (north of site)**, Variance of the development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a detached garage, being larger than the primary dwelling and located within the required side yard setback, **approved.**

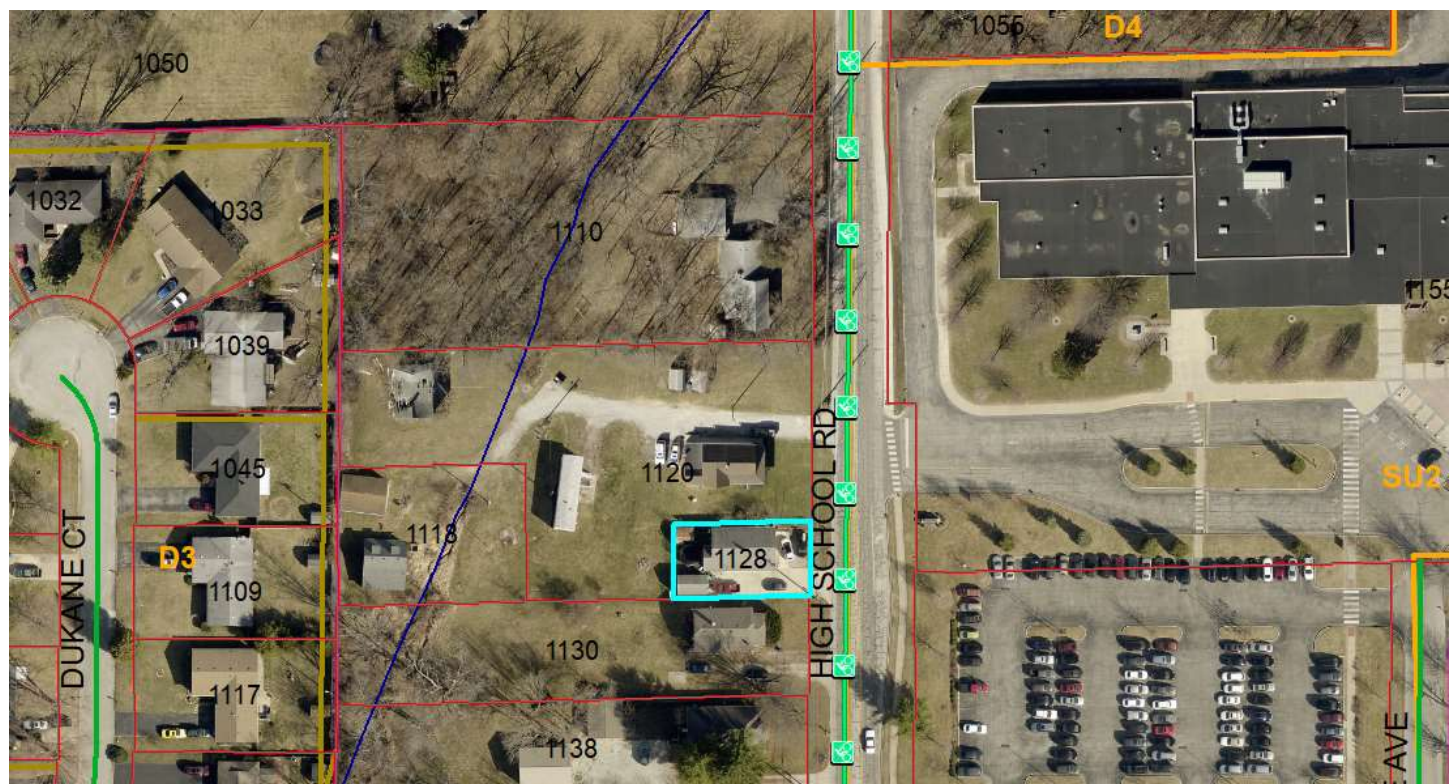
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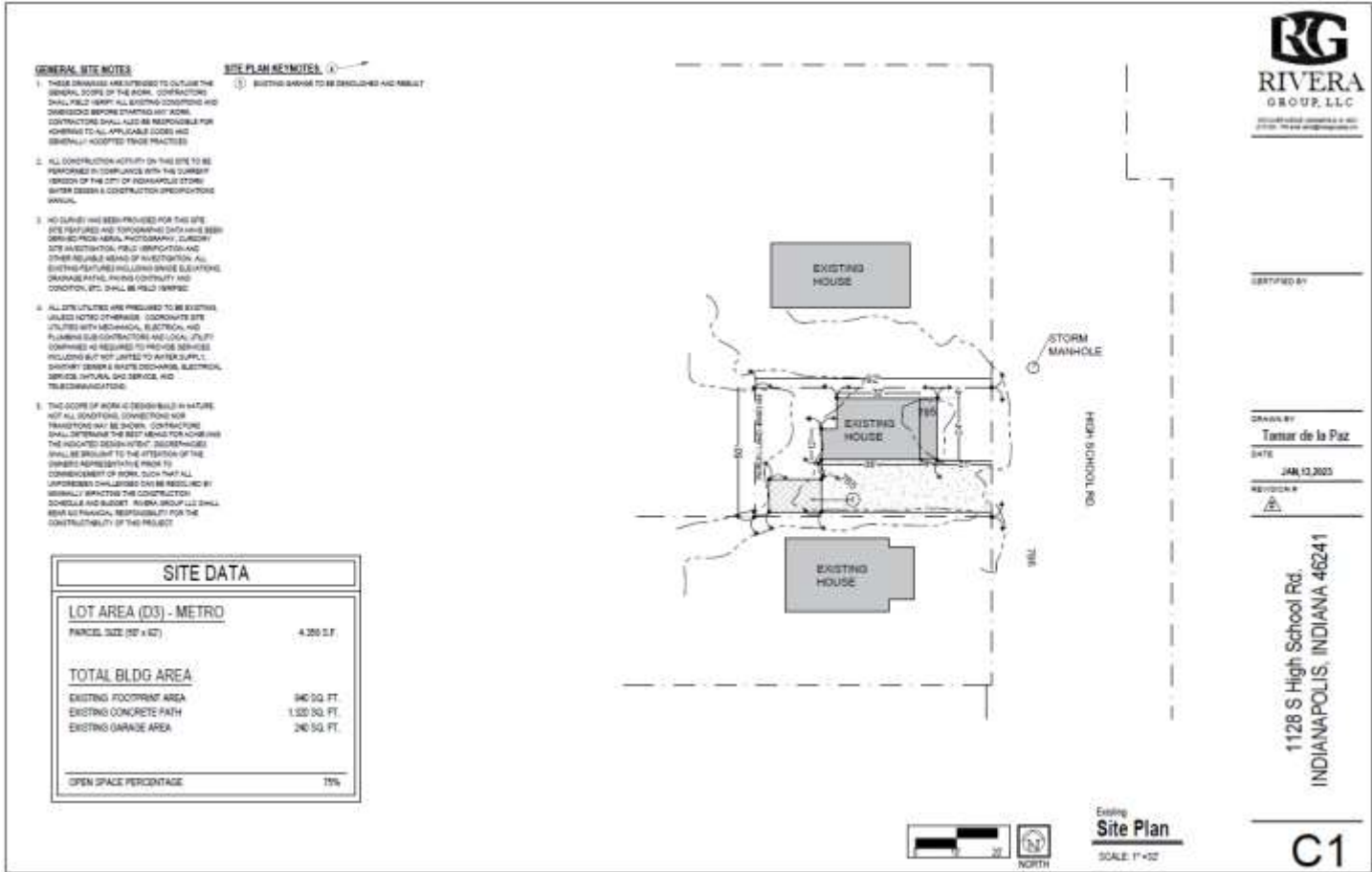
**2023-DV1-015; Location Map**



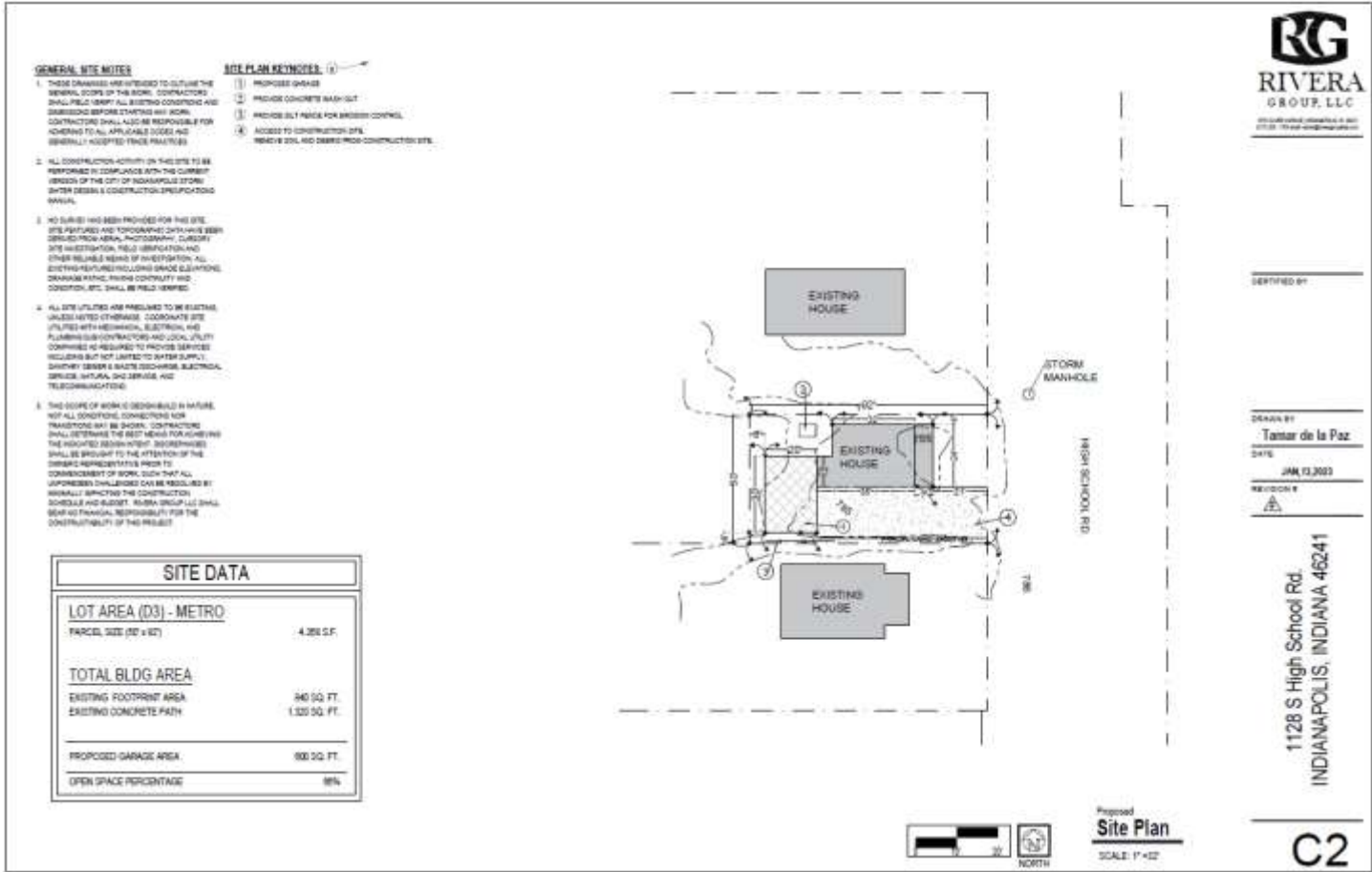
**2023-DV1-015; Aerial Map**



2023-DV1-015; Existing Site Plan



2023-DV1-015; Proposed Site Plan





**2023-DV1-015; Photographs**



Photo of the Subject Property: 1128 South High School Road

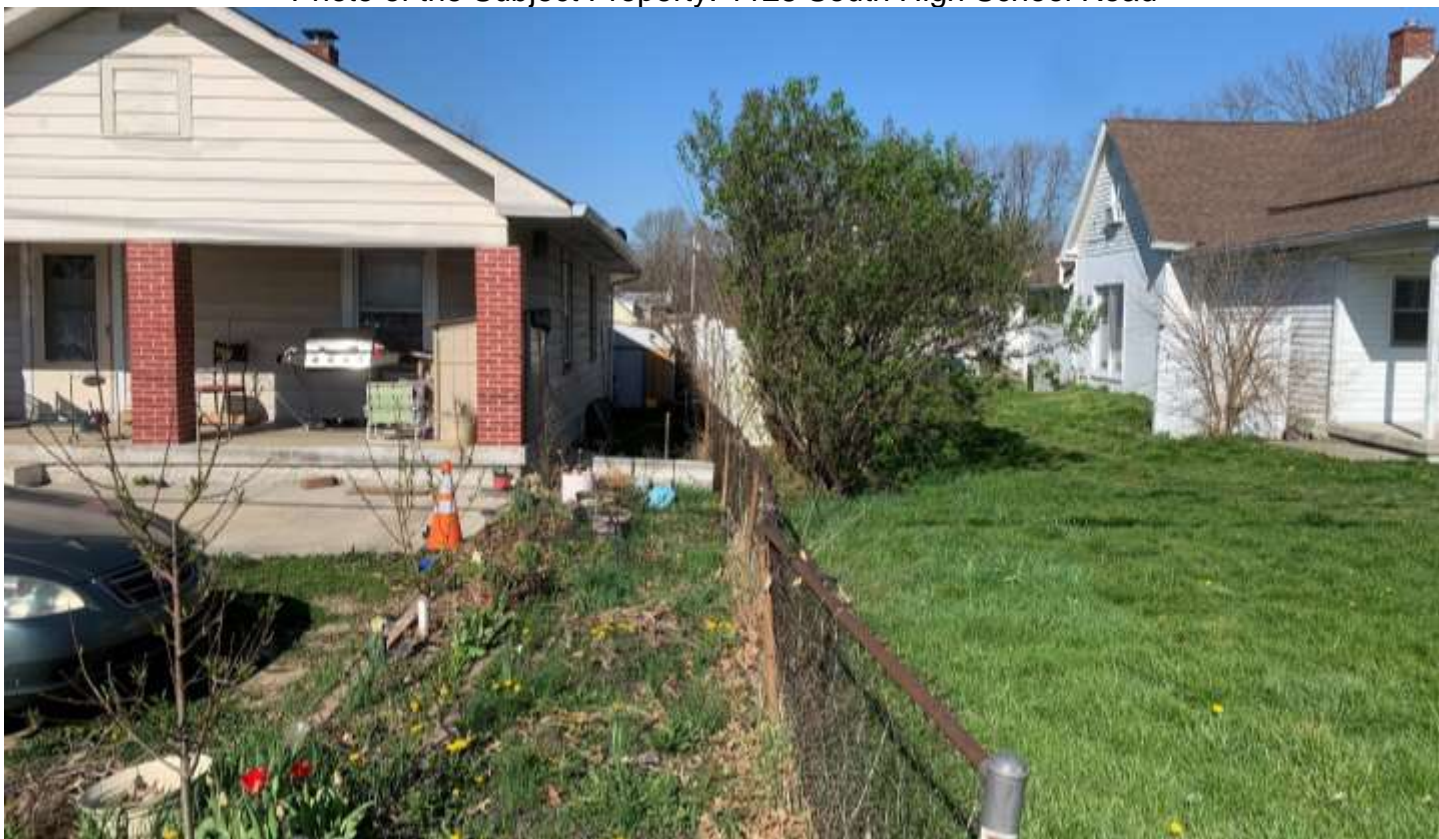


Photo of the single-family dwelling and separation to the north.





Photo of the single-family dwelling south of the site.



Photo of the garage to be demolished.





Photo of the existing rear setback.



Photo of the rear yard with the garage and shed to be removed per the submitted site plan.