

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV1-062 (2nd Amended)
Address: 1012 Olive Street (approximate address)
Location: Center Township, Council District #17
Zoning: D-5 (TOD)
Petitioner: Kristen Fern
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with a zero-foot north side yard setback and a three-foot rear yard setback (three-foot side yard setback and 20-foot rear setback required) providing access from Olive Street (exclusive vehicle access from improved alley required), also with the existing single-family dwelling encroaching within the clear site triangle of Olive Street and the driveway (encroachment into the clear site triangle not permitted).

ADDENDUM MAY 9, 2023

This petition was automatically continued to the May 9, 2023, hearing, due to an indecisive vote by the Board.

ADDENDUM APRIL 4, 2023

This petition was continued for cause at the request of the petitioner to allow time to amend the petition and provide new notice.

An amended site plan, file dated March 21, 2023, was provided to the file.

The amended request provides for an additional variance of development standards to allow the existing porch to be within the clear sight triangle of the proposed driveway. There is no practical difficulty for this additional request, along with the original request, as the proposed driveway could be relocated to access the improved alley as the Ordinance requires, thereby allowing the site to be developed without the need for any variances and eliminating the entire petition request.

Staff continues **to recommend denial** of the request as amended.

ADDENDUM MARCH 3, 2023

This petition was automatically continued at the request of a registered neighborhood organization, from the February 7, 2022, hearing to the March 7, 2023, hearing.

ADDENDUM FEBRUARY 7, 2023

This petition was previously automatically continued at the request of the petitioner, from the January 3, 2022, hearing to the February 7, 2023, hearing. A registered neighborhood organization filed a timely automatic continuance, continuing this petition from the February 7, 2023, hearing, to the March 7, 2023, hearing.

(Continued)

STAFF REPORT 2022-DV1-062 (Continued)

January 3, 2023

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-5	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwelling
South -	C-3	Commercial development
East -	D-5	Single-family dwelling
West -	D-5	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood uses for the site.
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DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to side and rear setbacks are intended to provide 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.
- ◇ Staff believes the proposed driveway with a zero-foot north side yard setback and a three-foot rear yard setback would not provide sufficient area for accessibility and maintenance and would negatively impact the adjoining properties to the north and to the west.
- ◇ No practical difficulty exists for the property, since the proposed driveway can be relocated to an area on site that meets the required Ordinance setbacks. Any practical difficulty related to the proposed driveway setbacks would be self-imposed, by the proposed location.
- ◇ This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The "Access to accessory parking areas" provision states that "... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley." In addition, per Section 744-401 of the Ordinance. The "Access to and from parking lots and garages" provision states that "... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line."

(Continued)

STAFF REPORT 2022-DV1-062 (Continued)

- ◇ The Department of Business and Neighborhood Services has determined that the abutting alley to the south of the property is an “improved” alley, and therefore access from Olive Avenue for an accessory parking area / driveway would not be allowed, per the Ordinance.
- ◇ The property has an existing curb cut from the alley at the southeast corner of the lot. The proposed driveway does not utilize this existing curb cut, and instead creates a new curb cut along Olive Street, reducing sidewalk access and on-street parking.
- ◇ Aerial photos indicate the property has a history of providing alley access and a driveway from the alley to a garage as recent as 2012.
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ No practical difficulty exists for the property, since the site has previously established alley access and could continue to do so, either with the existing alley access, or a new alley access, by right. Any practical difficulty related to the proposed curb cut access from Olive Street would be self-imposed, by the proposed design.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Olive Street is designated as a local street on the Official Thoroughfare Plan, with an existing and proposed 60-foot right-of-way.
SITE PLAN (AMENDED)	File-dated, March 21, 2023
FINDINGS OF FACT	File-dated, November 29, 2022

ZONING HISTORY

2020-DV2-040; 933 Olive Street (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to a single-family dwelling with seven feet between buildings, a 17-foot rear setback and 52% open space, **granted**.

2018-HOV-006; 1134 Woodlawn Avenue (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 49%, and to legally establish an existing dwelling with a 1.33-foot west side setback, a 15-foot front setback and less than 10 feet between primary dwellings, **granted**.

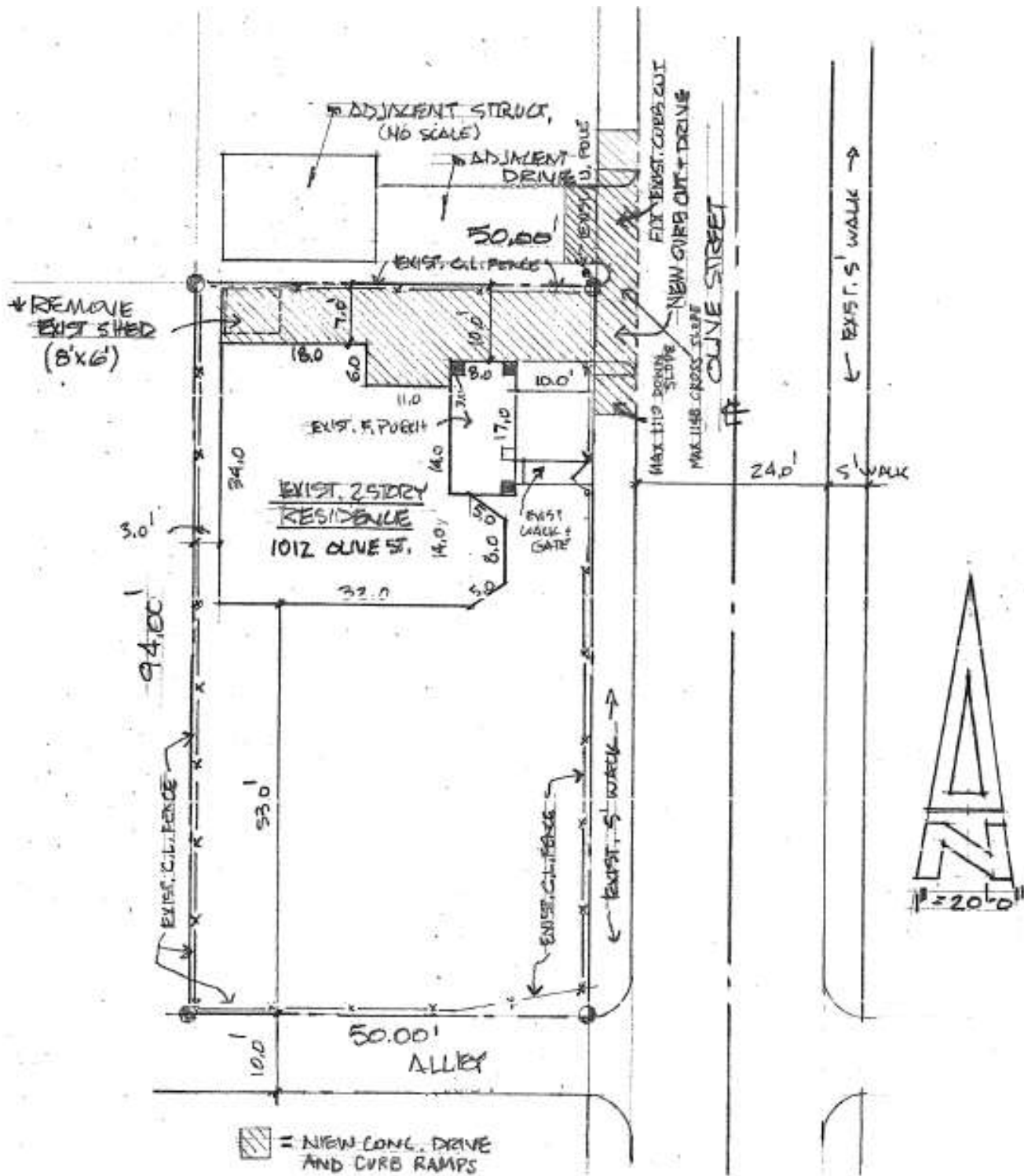
2018-HOV-085; 1113 Woodlawn Avenue (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with 4.4 feet and 5.6 feet between dwellings, **granted**.

STAFF REPORT 2018-DV2-003 (Continued)

2018-DV2-003; Location Map



2022-DV1-062; Site Plan (Amended)



2022-DV1-062; Photographs



Picture 1: Subject site, looking northwest.



Picture 2: Subject site proposed driveway and curb cut location, looking west.



Picture 3: Subject site south side yard, looking west.



Picture 4: Subject site location of existing parking area with alley access, and former garage that was removed sometime after 2012, looking north.



Picture 5: Subject site location of existing curb cut from the alley, for previous driveway and garage, that was removed sometime after 2012, looking northwest.



Picture 6: Adjacent property to the east, with garage alley access, looking north.



Picture 7: Adjacent property to the north without alley access, looking northwest.



Picture 8: Adjacent commercial property to the south of subject site, looking southwest.