

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV2-030
Address: 2307 Dr. Martin Luther King Jr Street (approximate address)
Location: Center Township, Council District #11
Zoning: C-1
Petitioner: Flanner House Inc., by Brent Lyle
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family dwelling (not permitted) with a 1.5-foot front setback along 23rd Street (10-foot front setback required).

ADDENDUM FOR FEBRUARY 14, 2023

This petition was previously continued for cause at the request of the petitioner, from the January 10, 2023, hearing to the February 14, 2023, hearing.

January 10, 2023

RECOMMENDATIONS

Staff **recommends denial** of the Variance of Use request to provide for construction of a single-family dwelling.

Staff **recommends the petition be refiled as a rezoning petition**, as the existing C-1 zoning is a legacy zoning and outdated for the site.

Staff **recommends approval** of the Variance of Development Standards request for a 1.5-foot front setback along West 23rd Street.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	C-1	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	C-1	Single-Family Dwelling
South	C-1	Undeveloped
East	D-8	Multi-Family and Single-Family Dwellings
West	PK-1	Community Park

COMPREHENSIVE PLAN

The Comprehensive Plan recommends eight to fifteen residential units per acre development.

(Continued)

STAFF REPORT 2022-UV2-030 (Continued)

VARIANCE OF USE

- ◇ While Sanborn Fire Insurance Maps, as early as 1915, indicate the presence of a single-family dwelling, similar to the proposed development, Staff would note that such construction would have predated the implementation of zoning in Marion County. Similarly, the subject site is located within a subdivision which was originally platted in 1891, which predates zoning ordinance requirements.
- ◇ However, since the proposed development is a change in use from the existing C-1 zoning, Staff has recommended this petition be withdrawn and refiled as a rezoning petition due to the existing zoning being a legacy zoning and outdated for the site.
- ◇ Staff believes that if the petitioner chooses to use this commercially zoned property in a residential manner, then they should be held to the same standards as their surrounding residentially zoned neighbors are held to. Staff thinks that the regulations for a single-family dwelling in a D-8 District, should be followed.
- ◇ At the time of printing, the petitioner has indicated their reluctance to file for a rezoning, and their intent to proceed with the petition as filed.
- ◇ Staff feels rezoning the property to either D-8 would be appropriate. Staff also acknowledges that additional variances may still be needed with that re-zoned district, however, any new variances would be for deficiencies that are less of a deviation than what is currently proposed.
- ◇ With the lack of a demonstrable hardship for filing a rezoning petition, Staff does recommend denial of this Variance of Use as requested.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Although the subject site is zoned C-1 for commercial office uses, the subject site, and adjacent properties were originally developed as single-family and two-family dwellings. Due to the proposed residential character of the development, Staff would be supportive of variances that would maintain the residential character of the area. Additionally, Staff would note that the request would provide for a structure that would support future residential use of the property to match this existing context.
- ◇ The proposed 1.5-foot front setback from West 23rd Street, would be similar to the setback of the existing original developed dwelling on site, and therefore would not have any negative impact on adjacent properties, in Staff's opinion.

(Continued)

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GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Dr. M. L. King Jr. Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 40-foot existing and proposed half right-of-way.

This portion of West 23rd Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 25-foot existing and proposed half right-of-way.

SITE PLAN

File-dated December 7, 2022.

FINDINGS OF FACT

File-dated December 7, 2022.

ZONING HISTORY

2021-UV2-023; 2307 Dr. Martin Luther King Jr. Street (subject site), requested a variance of use and development standards to allow for the construction of a manufactured home with a three-foot front setback and two parking spaces, **granted**.

2019-ZON-012; 2319 Dr. Martin Luther King Jr. Street (north of site), requested the rezoning of 0.12 acre from the C-1 (W-5) District to the D-8 (W-5) classification, **approved**.

2007-ZON-139; 2201 Dr. Martin Luther King Jr. Street (south of site), requested the rezoning of 0.42 acre, from the C-1 (W-1) District, to the C-3C (W-1) classification to provide for corridor commercial uses, **approved**.

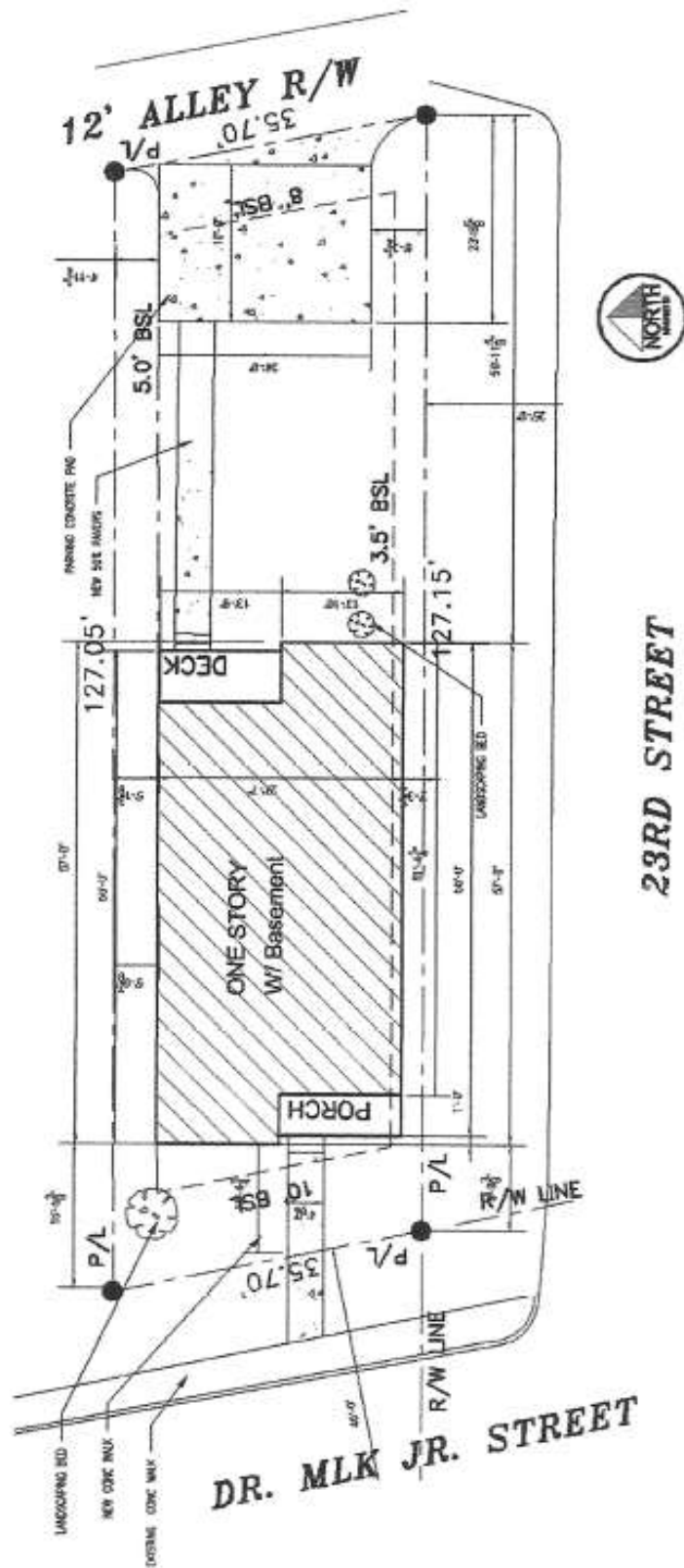
2003-ZON-071; 2335 Dr. Martin Luther King Jr. Street (north of site), requested the rezoning of 0.104 acre from C-1 (W-5) to C-3 (W-5), to provide for a beauty and barbershop, **denied**.

83-HOV-86; 2302 North Indianapolis Avenue (east of site), requested a variance of development standards to allow a room addition in the required four-foot side setback, **granted**.

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2022-UV2-030; Location Map





2022-UV2-030; Photographs



Subject site, looking east.



Adjacent single-family dwelling to the north of the subject site, looking east.



Adjacent undeveloped lot and single-family dwelling to the south of the subject site, looking southeast.



Adjacent multi-family and single-family dwellings to the east of the subject site, looking north from West 23rd Street.