

## STAFF REPORT

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

**Case Number:** 2022-UV2-029  
**Address:** 1645 East Minnesota Street (approximate address)  
**Location:** Center Township, Council District #21  
**Zoning:** C-3  
**Petitioner:** Fatima Lamas  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing single-family dwelling and residential accessory structure (not permitted) with a seven-foot rear setback (eight feet required).

This petition was continued from the **January 10, 2023, hearing to the February 14, 2023, hearing** to allow the petitioner additional time to provide new information for review, potentially amend the request if needed, and to provide proper notice.

### **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**

C-3	Compact	Residential (Single-family dwelling)
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##### **SURROUNDING ZONING AND LAND USE**

North	C-3	Commercial
South	D-5	Residential (Single-family dwellings)
East	C-3	Religious Use
West	C-3	Residential (Single-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends traditional neighborhood development.
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- ◇ The 0.21-acre subject site is developed with a two-story single-family dwelling and accessory structure. It is subject to a zoning violation for the second-story addition and a rear addition, which is the reason for the variance request.

#### **VARIANCE OF USE**

- ◇ The grant of this petition would legally establish a single-family dwelling and accessory structure in the C-3 District.

(Continued)

## **STAFF REPORT 2022-UV2-029 (Continued)**

- ◇ The C-3 district is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size.
- ◇ A 1956 Sanborn Map indicates that the subject property was developed as a one-story single-family residential dwelling. The continuation and improvement of the use would not be out of character with the surrounding neighborhood.
- ◇ The Comprehensive Plan recommends traditional neighborhood development for the site in question. This 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.
- ◇ Although a single-family dwelling is not a permitted use in this district, the proposed use would be consistent with the traditional neighborhood typology recommendation and would not interfere with the Comprehensive Plan.
- ◇ The need for the variance arises from the historical development and use of the property as a residential dwelling. Otherwise, the existing building could not continue to be used as such.
- ◇ The site photos show two additions to the house have been constructed. The property owner has confirmed that their request is only for the addition as indicated in the submitted site plan, building plans, and elevation.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would also allow for a deficient rear setback.
- ◇ Per Table 744-201-3, the C-3 district calls for an eight-foot rear setback in the Compact Context Area. The request would legalize the existing seven-foot rear setback for the existing accessory structure. Since this is an existing setback, Staff has no concern with supporting the request to legally establish it.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

Minnesota Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 50-foot existing right-of-way and a 56-foot proposed right-of-way.

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## **STAFF REPORT 2022-UV2-029 (Continued)**

SITE PLAN	File-dated November 30, 2022.
ELEVATIONS	File-dated November 30, 2022.
FLOOR PLANS	File-dated November 30, 2022.
FINDINGS OF FACT	File-dated November 30, 2022.

### **ZONING HISTORY – SITE**

#### **EXISTING VIOLATIONS**

1. VIO19-005432; Indianapolis Building Standards and Procedures 2016: Section(s) 536-201; 536-609; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a structural permit prior to the construction of a second story addition to the back of the house and a new room addition with a new foundation and a covered porch right off the new addition on a one story one family dwelling (this has been changed to a two story on the old foundation).

#### **PREVIOUS CASES**

None.

### **ZONING HISTORY – VICINITY**

**2020-DV1-048; 2275 Ringgold Avenue, 1001 East Bradbury Avenue; 2231 Ringgold Avenue; 1502 Palmer Street; 1352 Olive Street; 1606 South State Avenue; 1502 Linden Street; 1505 Orange Street** (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 47-foot tall to 53.92-foot tall wood poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **withdrawn**.

**96-V1-10; 1707 East Minnesota Street** (east of site), Variance of development standards of the Commercial Zoning Ordinance to permit the continued operation for one year of a restaurant offering the carry-out of food and alcoholic beverages 40 feet from a residential district (minimum separation of 100 feet required) with six (6) off-street parking, **granted**.

**95-V1-14; 1605 East Iowa Street** (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 364.76 square foot carport attached to an existing detached garage, with a 0.5-foot side yard setback (minimum four feet required) resulting in an aggregate side yard less than 10 feet (minimum 10 feet required), with accessory buildings totaling 76% of the main floor area of the primary building (accessory buildings on a lot not to exceed 75% of the main floor area of the primary building), **dismissed**.

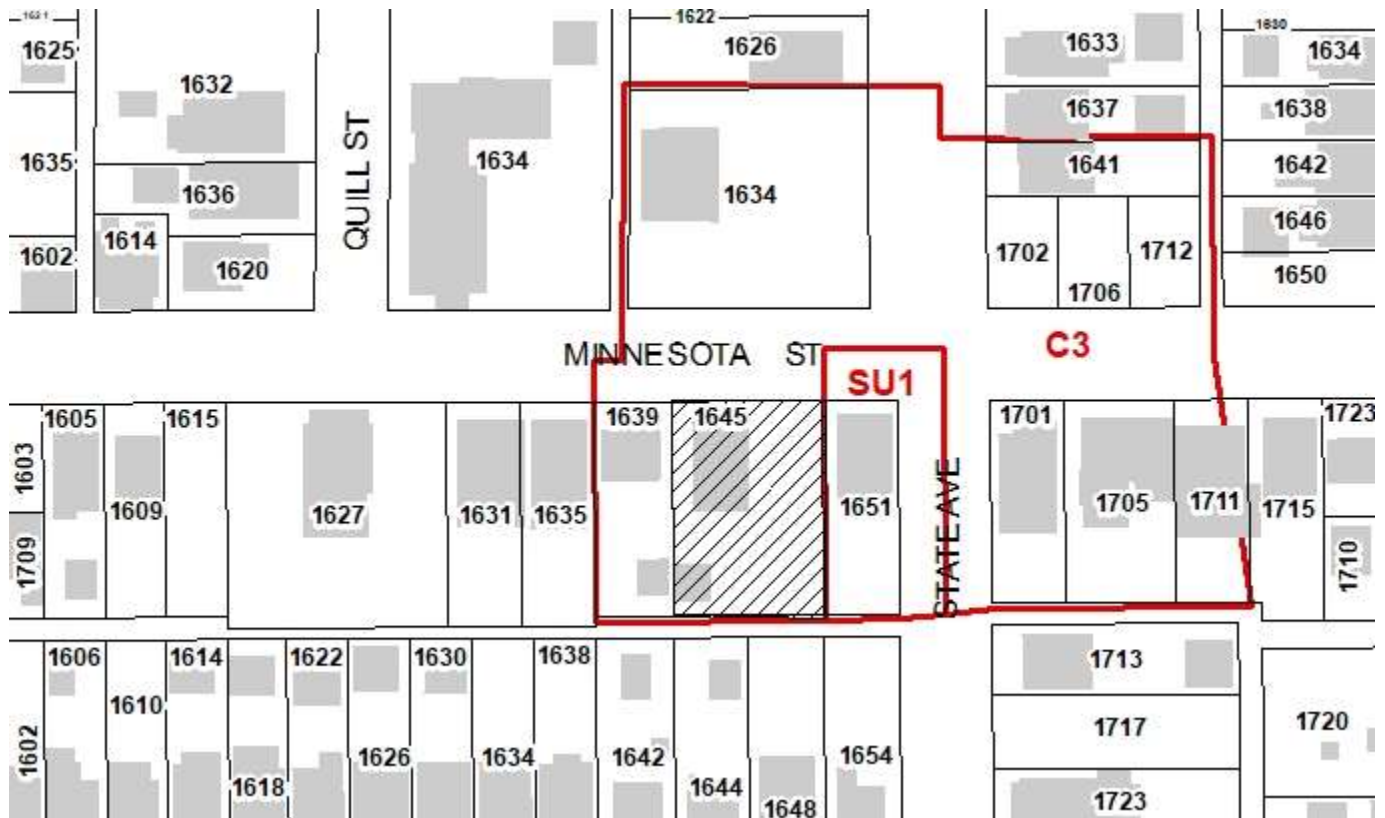
**80-V2-37; 1630 South State Avenue** (north of site), Variance of development standards to permit the installation of gasoline pumps for sale of gasoline in conjunction with an existing Village Pantry, **granted**.

**78-UV2-64; 1723 East Minnesota Street** (east of site), Variance of use and development standards to permit erection of an addition to the west side of an existing building to be used for a print shop, with a pole sign, **granted**.

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## 2022-UV2-029; Location Map



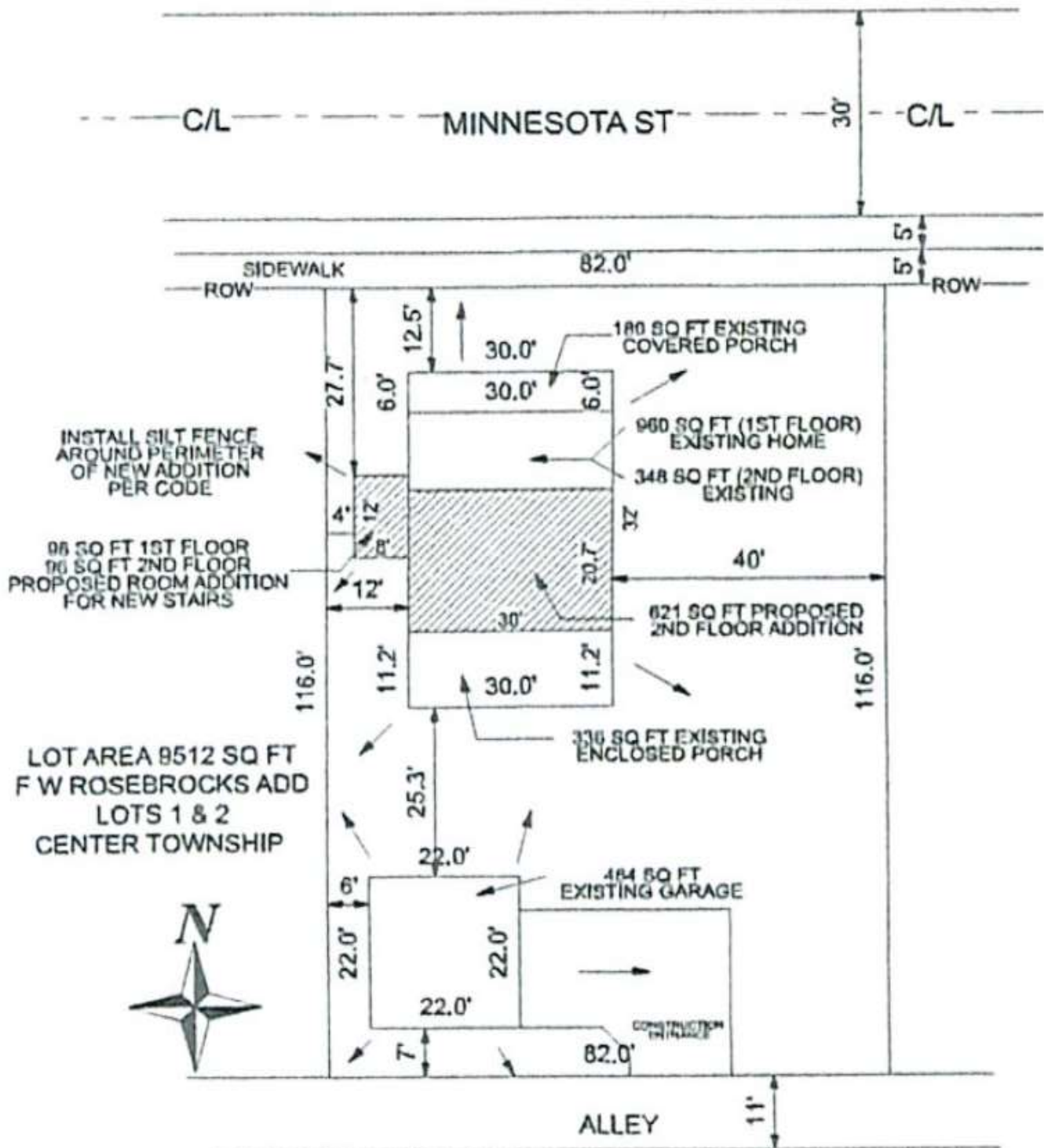
## 2022-UV2-029; Aerial Map

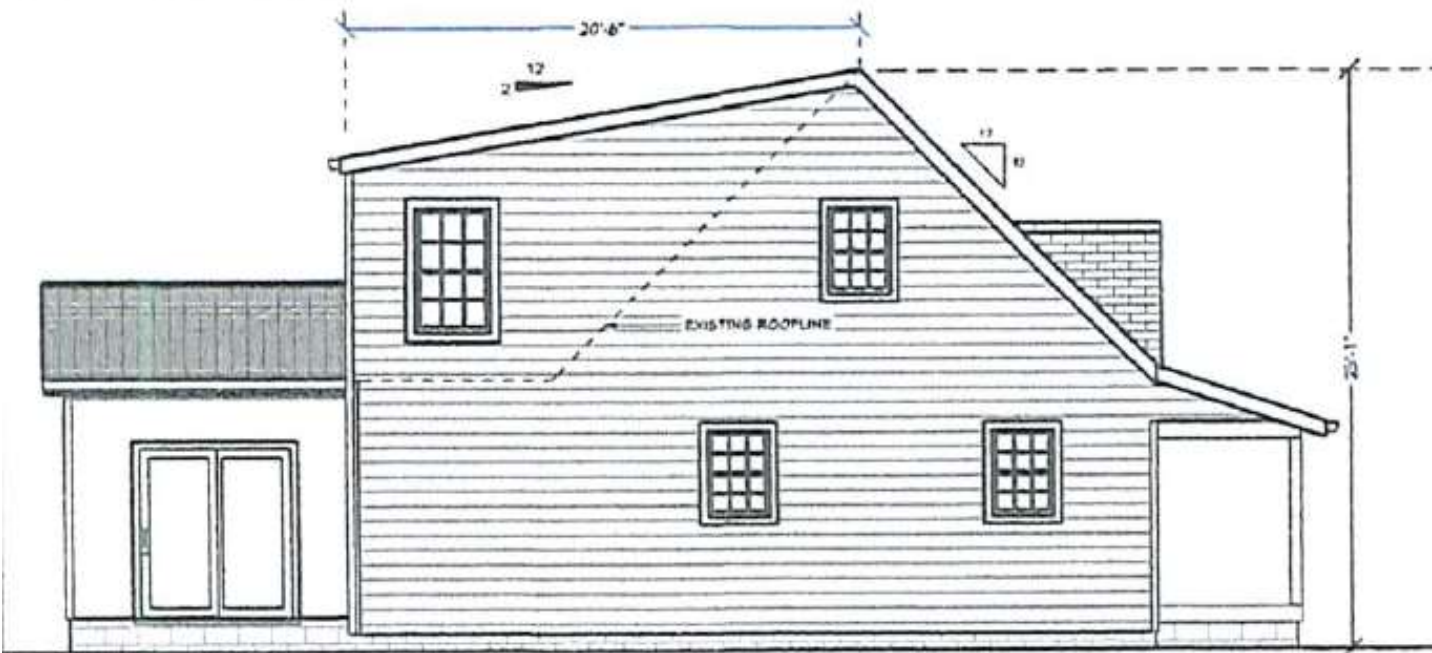




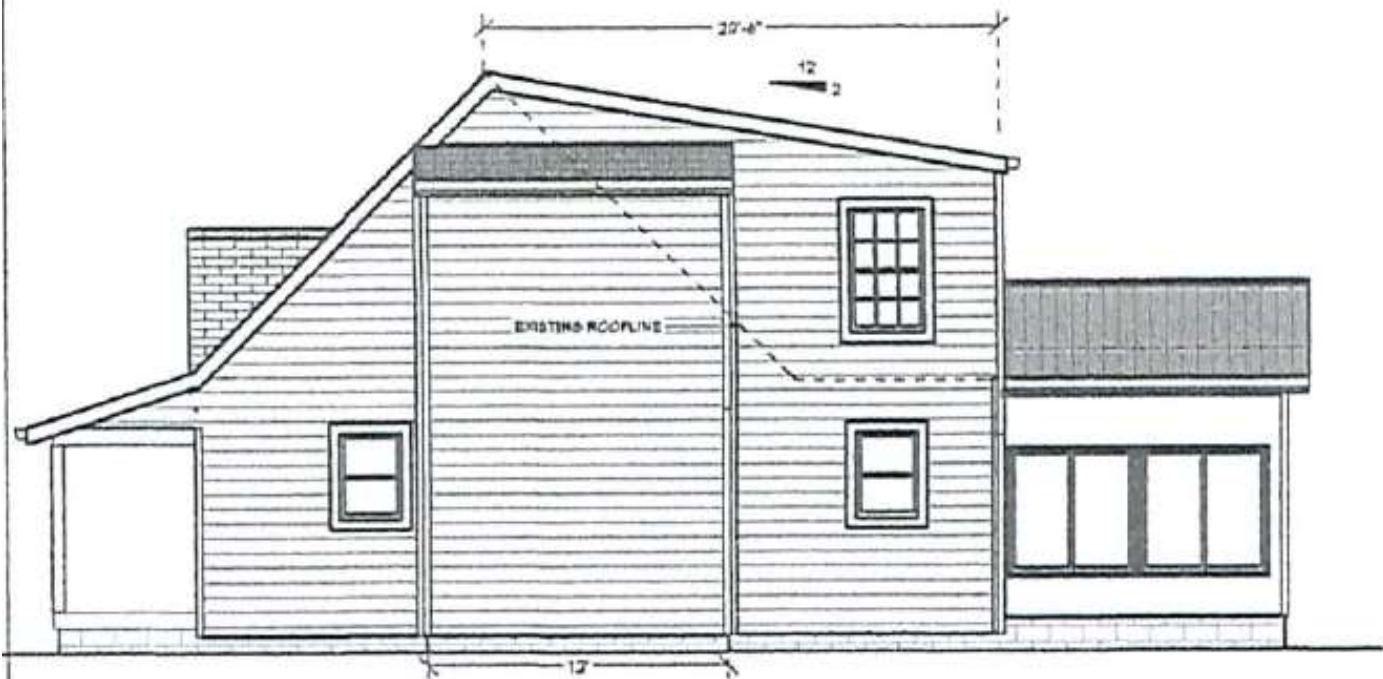
**2022-UV2-029; 1956 Sanborn Map**







EAST ELEVATION  
SCALE 3/16" = 1'-0"

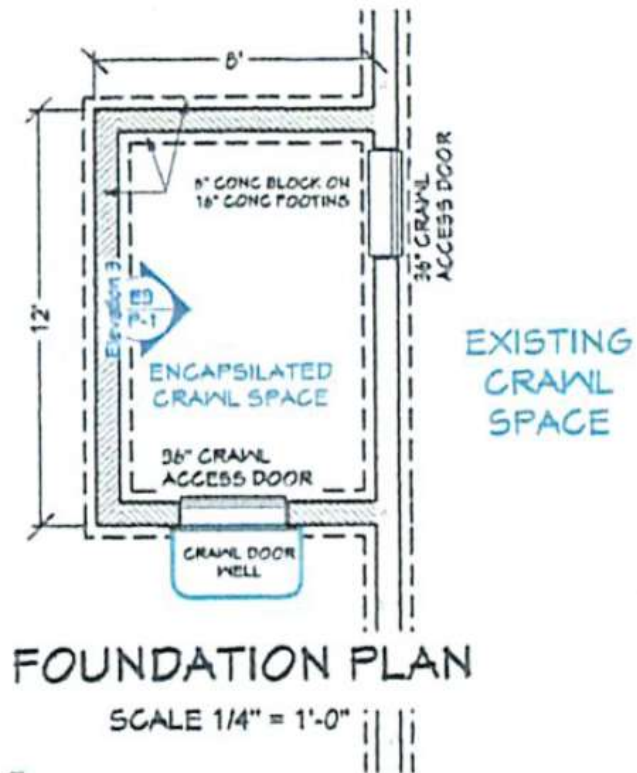


WEST ELEVATION  
SCALE 3/16" = 1'-0"

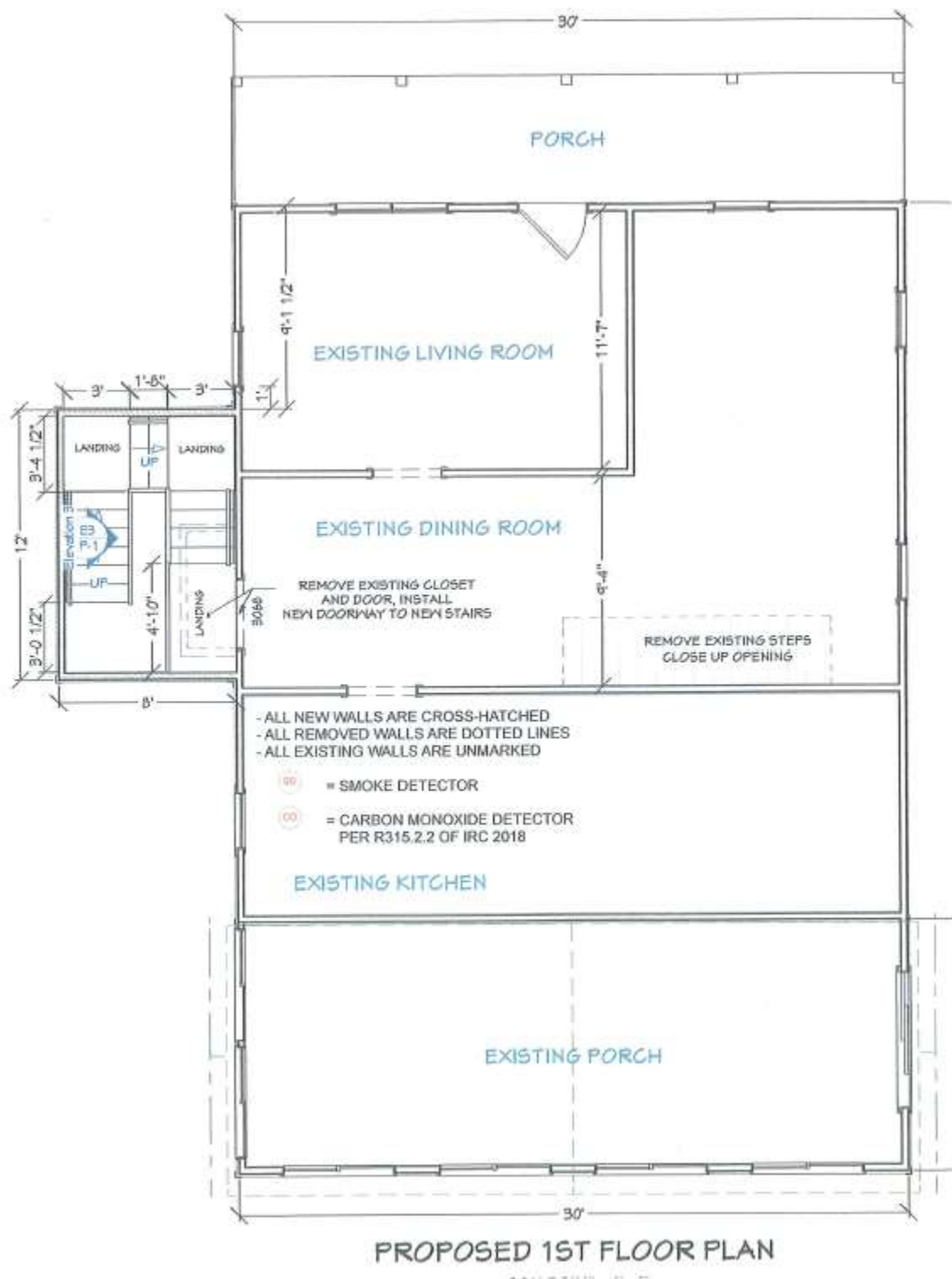




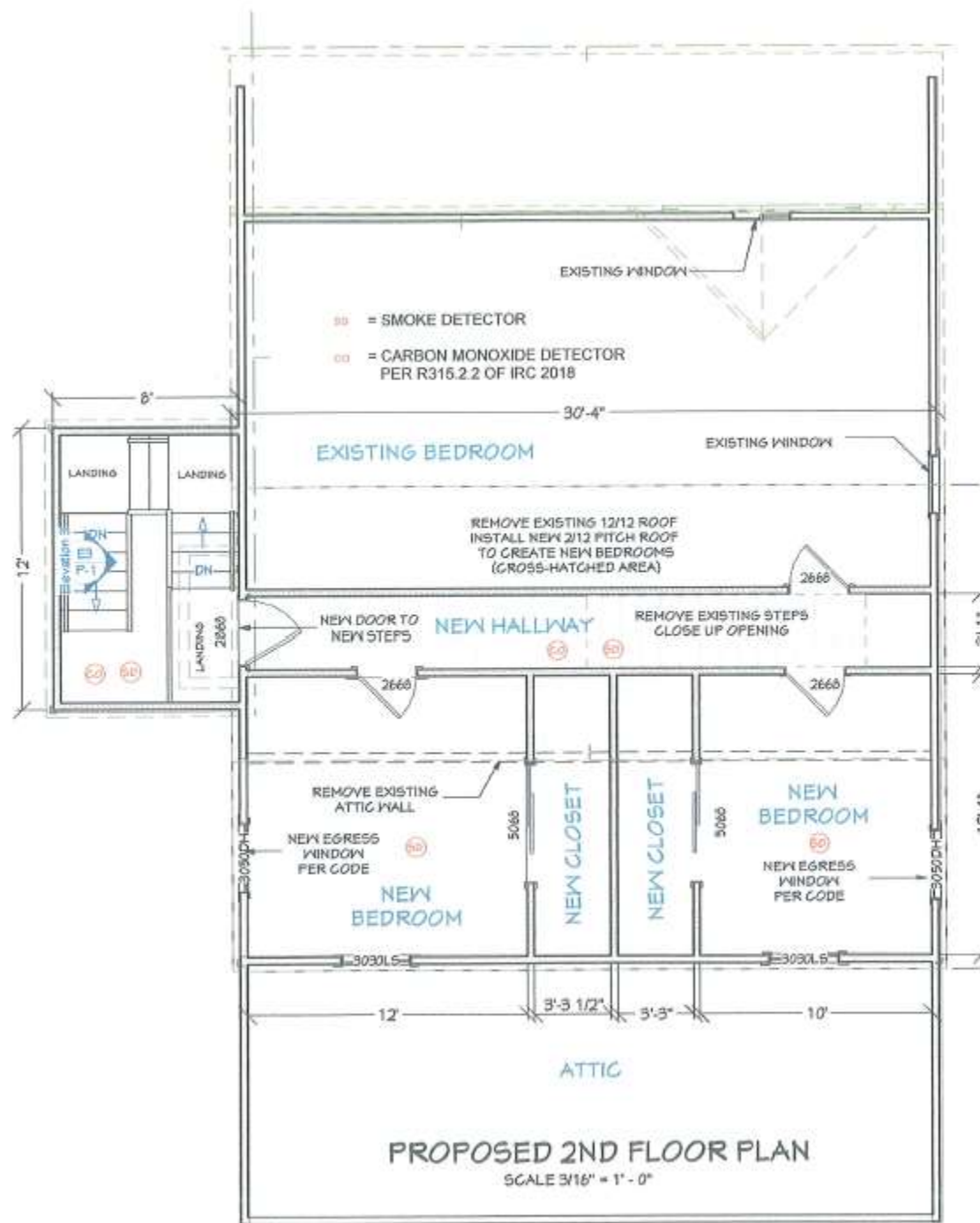




2022-UV2-029; Floor Plans



2022-UV2-029; Floor Plans (Continued)





**2022-UV2-029; Photographs**



Photo of the Subject Property: 1645 East Minnesota Street



Photo of two rear additions to the house. The southernmost addition will be removed per the plans.





Photo of the existing fence and accessory structure.



Photo of the proposed location of the internal staircase.





Photo of an existing church east of the site.



Photo of a liquor store north of the site.