

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV1-041
Address: 1110 Bates Street (approximate address)
Location: Center Township, Council District #17
Zoning: I-4
Petitioner: Daniel Graf and Erica Davis
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage (residential uses not permitted) with a six-foot west side yard setback and a seven-foot east side yard setback and a 10-foot rear yard setback (20-foot side and rear yard setbacks 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

I-4	Compact	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	I-3	Addiction Treatment Center
South	I-4	Industrial Buildings
East	I-3	Addiction Treatment Center Lawn
West	I-4	Vacant Building

COMPREHENSIVE PLAN The Comprehensive Plan recommends light industrial development.

- ◇ The 0.11-acre subject site is improved with a single-family dwelling. Although the site is developed residentially, the area is zoned for industrial uses.
- ◇ The surrounding area is developed with a variety of uses such as social services, residential uses, and industrial uses. There are also many undeveloped properties east and west of the site.

VARIANCE OF USE

- ◇ This request would allow the construction and residential use of a detached garage associated with an existing single-family dwelling in the I-4 zoning district.

(Continued)

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- ◇ The Comprehensive Plan recommends light industrial development for this site. However, the site is located in an area that was platted for and historically developed with single-family dwellings. Some single-family dwellings remain southeast of the site with others located further west across Shelby Street.
- ◇ “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The purpose of the I-4 District is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.
- ◇ The site is also located within an industrial reserve overlay, which is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.” Staff would note that this site is comprised of a residential parcel that would not be suitable for industrial development.
- ◇ Due to the historical residential use of the site, staff is recommending approval of the variance of use since the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property. Furthermore, the proposal would be consistent with the original and ongoing use of the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the construction of a detached garage with a six-foot west side yard setback, seven-foot east side yard setback and a 10-foot rear yard setback.
- ◇ Per Table 744-201-6, the I-4 district within the Compact Context area requires 20-foot side and rear yard setbacks. However, the site is only 35 feet wide which would not be able to accommodate the required 20-foot side yard setbacks. Additionally, staff determined that the 10-foot rear yard setback would be acceptable for a residential development when compared to the five-foot allotment given to accessory structures if located within dwelling districts.
- ◇ For these reasons, staff is recommending approval of these variances.

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GENERAL INFORMATION

THOROUGHFARE PLAN	Bates Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated October 27, 2022.
FINDINGS OF FACT	File-dated October 27, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2008-AP2-001; 229 Shelby Street (south of site), Approval of a Waiver of the three-month refiling rule for a petition, 2008-SE2-004, withdrawn on July 15, 2008, in I-4-U, **granted**.

2008-SE2-005; 229 Shelby Street (south of site), Special Exception of the Industrial Zoning Ordinance to provide for an automobile salvage operation, **withdrawn**.

2008-SE2-004; 229 Shelby Street (south of site), Special Exception of the Industrial Zoning Ordinance to provide for an automobile salvage operation, in I-4-U, **withdrawn**.

2003-UV2-043; 1127 Bates Street (southeast of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

99-UV1-48; 1101-1129 East Georgia Street and 1116-1126 East Bates Street (northeast of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with a parking lot within the required front yards of Georgia and Shelby Streets, with off-street loading using an adjacent alley for vehicle maneuvering and loading, in I-3-U, **granted**.

99-UV1-19; 1129 -1225 East Georgia Street (north of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol treatment and recovery center (not permitted) with 8 parking spaces located within the required front yard of Georgia Street and 1 parking space within the required front yard of Leota Avenue (parking not permitted in the required front yard), **granted**.

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99-Z-186; 1133 East Georgia Street (northeast of site), Rezone 1.597 acres from SU-9 to I-3-U to provide for medium-intensity urban industrial development, **approved**.

97-V3-65; 1138 Bates Street (east of site), Variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 24 by 29-foot detached garage with a six-foot rear yard setback (minimum 20 feet required), **granted**.

97-UV3-28; 1138 Bates (east of site), Variance of use of the Industrial Zoning Ordinance to provide for the construction of a 24 by 29-foot detached garage for an existing single-family residence (not permitted), **granted**.

95-UV3-78; 1135 East Bates Street (southeast of site), Variance of use and development standards to permit the continued operation of a motor vehicle salvage business with a zero-foot side yard setback from the west property line and a gravel surface storage area, **granted for two years**.

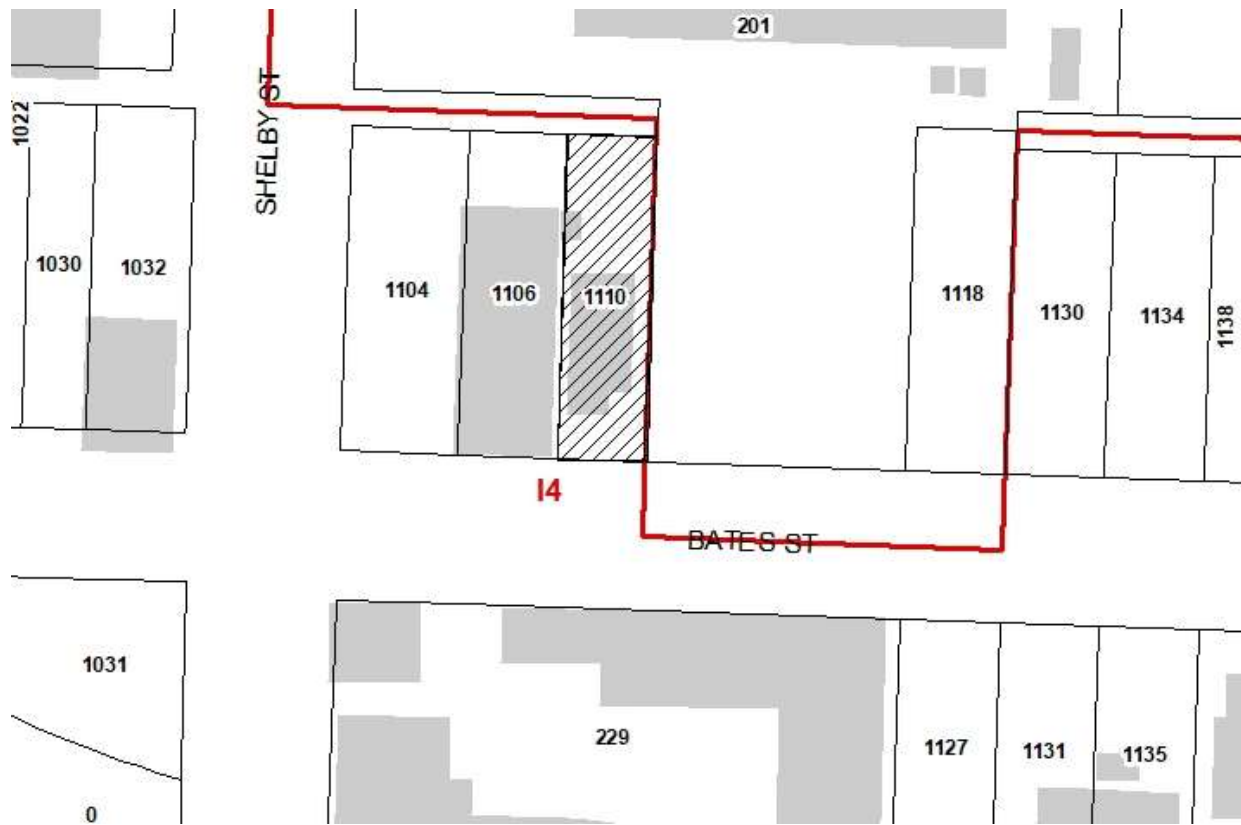
94-Z-116/ 94-CV-16; 1129-1225 East Georgia Street (north and east of site), Rezoning of 2.66 acres, being in the SU-9 District, to the I-3-U classification to provide for armored truck services, with a companion variance of development standards of the Industrial Zoning Ordinance to permit the construction of a 22,800 square foot industrial building, with parking and a service drive located within the required front yard of Georgia Street and Leota Street, and to use a portion of a side yard for a widened alley turn, **approved**.

93-UV3-51; 1135 East Bates Street (southeast of site), Variance of use and development standards to provide for the sale of automobile parts, to permit a mobile home to remain as an office, to permit parking within the front yard (not permitted) and to permit outdoor storage of automobiles and parts in excess of 75% of the gross floor area of a building, **approved for one year**.

90-Z-197; 1129-1225 East Georgia Street (north and east of site), Rezoning of 2.66 acres, being in the I-4-U District, to the SU-9 classification, **approved**.

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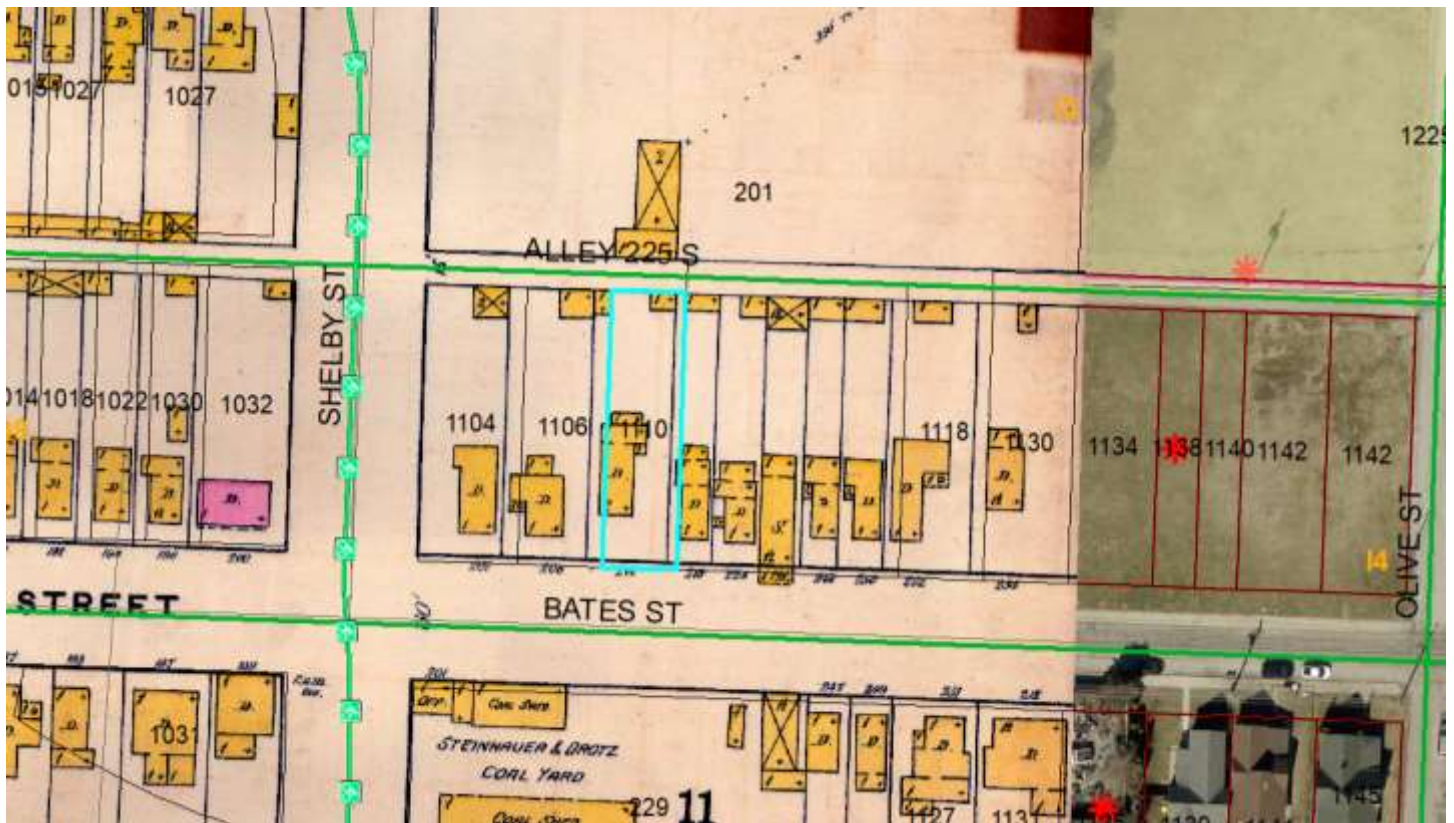
2022-UV1-041; Location Map



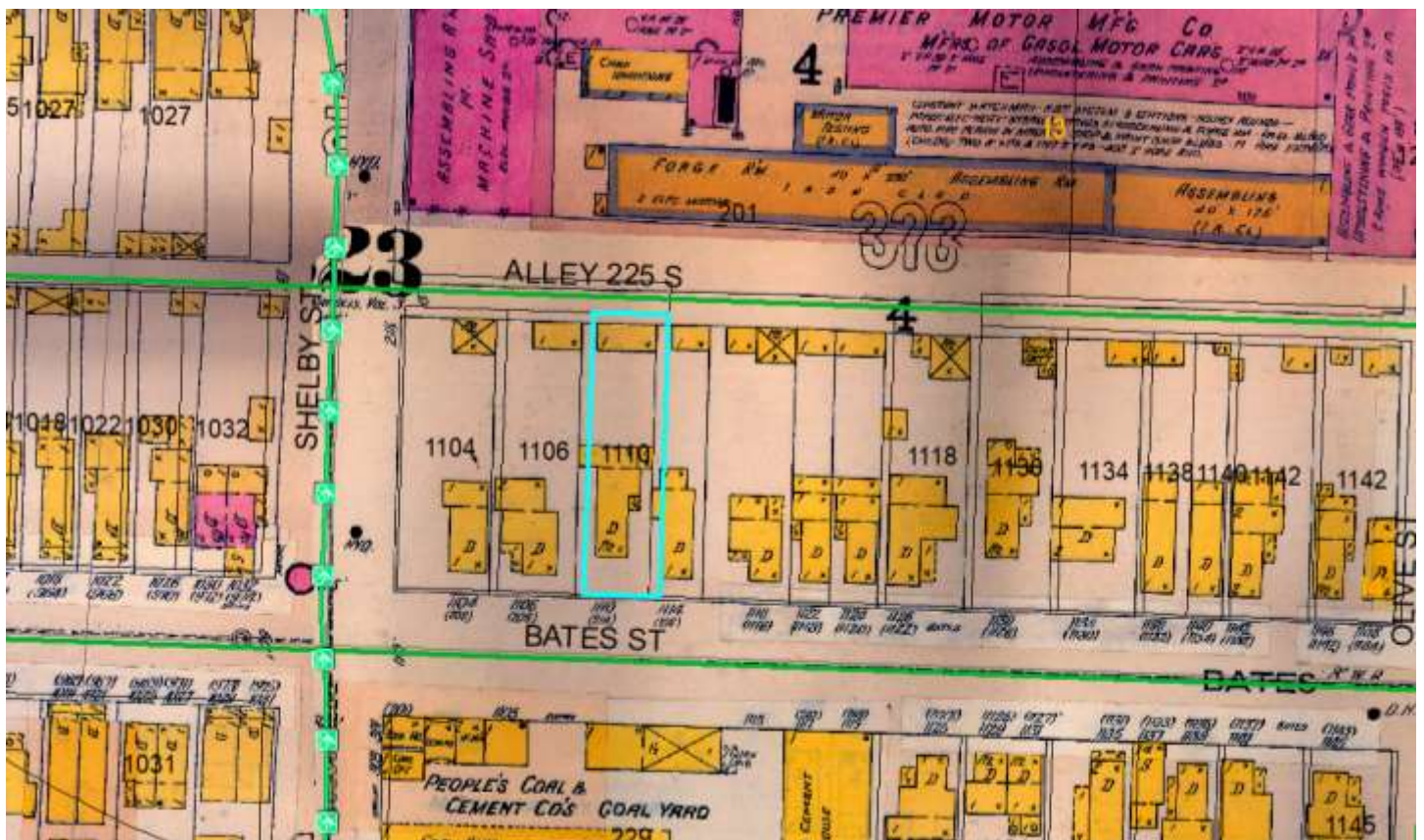
2022-UV1-041; Aerial Map



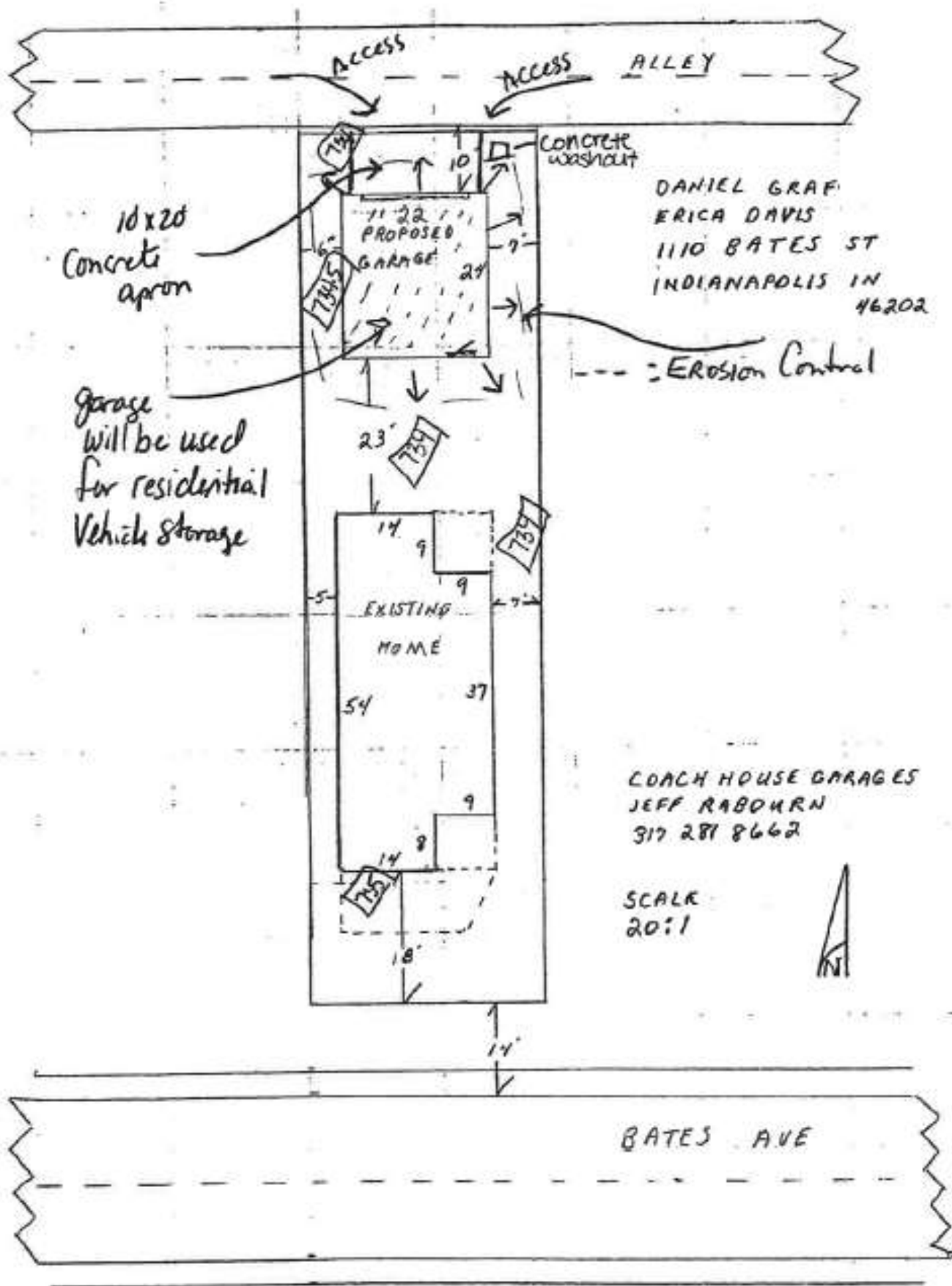
2022-UV1-041; Sanborn (1887)



2022-UV1-041; Sanborn (1898)



2022-UV1-041; Site Plan



2022-UV1-041; Photographs



Photo of the Subject Property: 1110 Bates Street



Photo of the vacant building to the west.



Photo of the lawn associated with the addiction recovery center to the north.



Photo of the industrial property to the south.



Photo of the rear yard of the subject site.



Photo of the rear yard and proposed alley access for the garage.



Photo of the additction treatment center north of the alley.