

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV1-047
Address: 409 East Morris Street (approximate address)
Location: Center Township, Council District #16
Zoning: D-5
Petitioner: Build Indy LLC, by John Cross
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 39-foot-wide lot, a zero-foot western side yard setback (40-foot lot width required) and provide for a three-story addition (not permitted) resulting in a 4.2-foot eastern side yard setback and a 19.4-foot rear setback and a walking path with a one-foot eastern side setback (five-foot side setbacks, 20-foot rear setback required).

ADDENDUM FOR DECEMBER 6, 2022

Staff was informed by the petitioner that this petition would be amended. However, no new information has been added to the file.

Staff **continues to recommend denial** of these requests.

ADDENDUM FOR NOVEMBER 1, 2022

This petition was continued from the November 1, 2022, hearing of Division I, to the December 6, 2022, hearing of Division I, due to lack of quorum.

ADDENDUM FOR OCTOBER 4, 2022

This petition was continued from the October 4, 2022, hearing of Division I to the November 1, 2022, hearing of Division I, at the request of the petitioner. No new information has been added to the file.

October 4, 2022

RECOMMENDATIONS

Staff **recommends denial** of this request.

(Continued)

STAFF REPORT 2022-DV1-047 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

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

North	C-3	Eating Establishment
South	D-5	Single-family dwelling
East	D-5	Vacant lot
West	D-5	Single-family dwelling

LAND USE PLAN

The Marion County Land Use Plan (2019) recommends Traditional Neighborhood development.

- ◇ The subject site is 0.10 acre (4,356 square feet) located in the J H Vajen's Subdivision in the Near Southside neighborhood. The subject site currently has an existing dwelling. The surrounding neighborhood consists of single-family dwellings to the west, east and south and to the north is a commercial eating establishment.
- ◇ The subject site is zoned D-5 (Dwelling District Five). The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would legally establish a 39-foot-wide lot, a zero-foot western side yard setback and provide for a three-story addition resulting in a 4.2-foot eastern side yard setback and a 19.4-foot rear setback and a walking path with a one-foot eastern side setback. Under Table 742.103.03, the subject site would be categorized as a *Detached House – Small Lot*. The Detached House – Small Lot category requires a lot width of 40 feet and a lot area of 5,000 square feet. The existing lot has a lot width of 39 feet and a lot area of 4,356 square feet, which is slightly deficient for the D-5 district.
- ◇ Additionally, under the Detached House – Small Lot category, the required side yard setback would be five feet. The required rear setback would be 20 feet. The proposed rear setback would be 19.4 feet. The existing western setback is zero feet, and the proposed eastern side yard setback would be 4.2 feet, with a walking path with a one-foot setback. Table 744-204-1 states for minor residential features (walking path) that is less than 18 inches above grade level, should be no closer than 2 feet to any side lot line. The proposed walking path would be one foot from the eastern side lot line.

(Continued)

STAFF REPORT 2022-DV1-047 (Continued)

Staff is opposed to the requests, where the proposed setbacks are a slight deviation from the Ordinance requirements, displaying a lack of practical difficulty (not meeting Finding #3). The required setbacks for the eastern side setback and rear yard could be met if the site plan were reconfigured by making the addition marginally smaller. Staff is not opposed to legally establishing the existing western zero-foot setback.

- ◇ Table 742.103.03 limits the height of structures to a maximum of 35 feet and 2 ½ stories. The proposed addition would be three stories. The Infill Housing Guidelines stipulates recommendations for building height, including:

1. Consider the shortest and tallest buildings on the block when planning height,
2. Avoid significant jumps in height, and
3. When adding to an existing House, minimize significant increases in height.

These Aesthetic Considerations listed in the Infill Housing Guidelines recommend using the neighborhood context and street types to guide appropriate massing. Local streets, like Morris Street, are appropriate for smaller massing, which would not support the variance for a third story addition. The surrounding neighborhood consists of dwellings that range from two to 2 ½ stories, with pitched roofs.

- ◇ The Comprehensive Plan recommendation for the subject site is *Traditional Neighborhood* development. The Traditional Neighborhood 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.
- ◇ Staff is not supportive of these requests, where they are a self-imposed practical difficulty.

GENERAL INFORMATION

THOROUGHFARE PLAN

Morris Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a street local street, with a 84-foot existing right-of-way and a 48-foot proposed right-of-way.

SITE PLAN

File-dated August 19, 2022.

ELEVATIONS

File-dated August 19, 2022.

FINDINGS OF FACT

File-dated August 19, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES: None.

(Continued)

STAFF REPORT 2022-DV1-047 (Continued)

ZONING HISTORY – VICINITY

2019-DV2-009; 421 East Morris Street, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling with a 10-foot front setback, two-foot side setbacks and a two-foot separation from a primary dwelling, creating 51% open space, **approved**.

2018-HOV-088; 422 East Sanders Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with six feet between primary dwellings, a 17-foot front setback and an open space of 58%, **granted**.

2018-HOV-089; 423 East Morris Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 53%, **granted**.

2017-DV3-025; 429 East Morris Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of a four-unit dwelling into two units, on a 3,141-square foot lot with 30 feet of frontage, and to provide for a one-foot west side setback for the accessory garage and to legally establish a three-foot front setback required; clear sight triangle of the abutting street and alley, and to provide for an open space of 29%, **granted**.

2017-HOV-021; 346 Sanders Street, 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%; **granted**.

2016-DV3-027; 325 Sanders Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with six feet between primary building, and with a 12-foot front setback; **granted**.

2011-CZN-828 / 2011-CVR-828; 436 Sanders Street, requested the rezoning of 0.1 acre from the C-5 District to the D-8 classification to provide for multi-family uses and a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a four-unit multifamily building with a 2.7-foot west side yard, with a zero-foot setback along East Street, with a three-foot encroachment into the right-of-way of Sanders Street, with zero parking spaces, and being within the clear sight triangles of East and Sanders Street; **granted and approved**.

2002-UV1-032; 403 East Morris Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a two-unit dwelling; **granted**.

96-Z-113; 382 East Morris Street, 1104 South East Street, requested the rezoning of 2.148 acres from D-5 and D-8 to C-3 to provide for a restaurant, gasoline station, check cashing and video store; **approved**.

GLH

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STAFF REPORT 2022-DV1-047 (Continued)

2022-DV1-047; Aerial Map



(Continued)



2022-DV1-047; Elevations

A - 5 ELEVATIONS A



Material	Color	Finish	Notes
Dark Blue	Blue	Smooth	Upper section
Light Blue	Blue	Smooth	Lower section
White	White	Smooth	Trim and doors
Dark Blue	Blue	Smooth	Roof

ELEVATIONS A



A - 5

A - 6 ELEVATIONS B



Material	Color	Finish	Notes
Dark Blue	Blue	Smooth	Upper section
Light Blue	Blue	Smooth	Lower section
White	White	Smooth	Trim and doors
Dark Blue	Blue	Smooth	Roof

ELEVATIONS B



A - 6

(Continued)

A - 7 PERSPECTIVES



FRONT / RIGHT



FRONT / LEFT



BACK / LEFT



BACK / RIGHT

PERSPECTIVES

PERSPECTIVES

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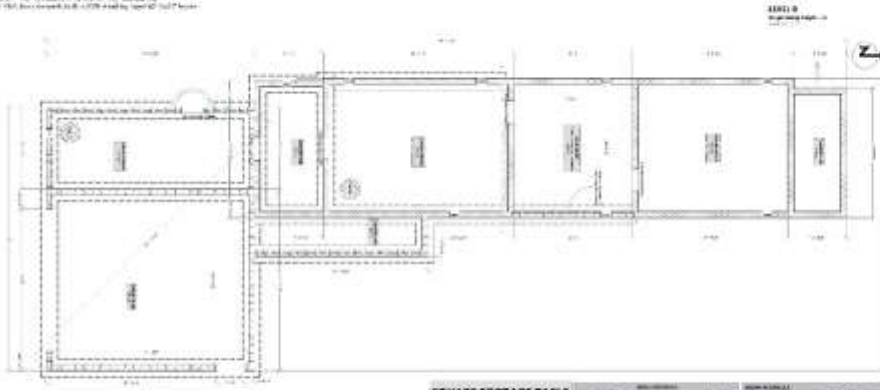
PERSPECTIVES

2022-DV1-047; Floor Plans

A - 1 LEVEL 9

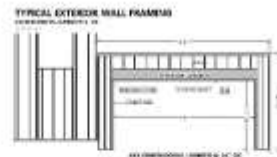
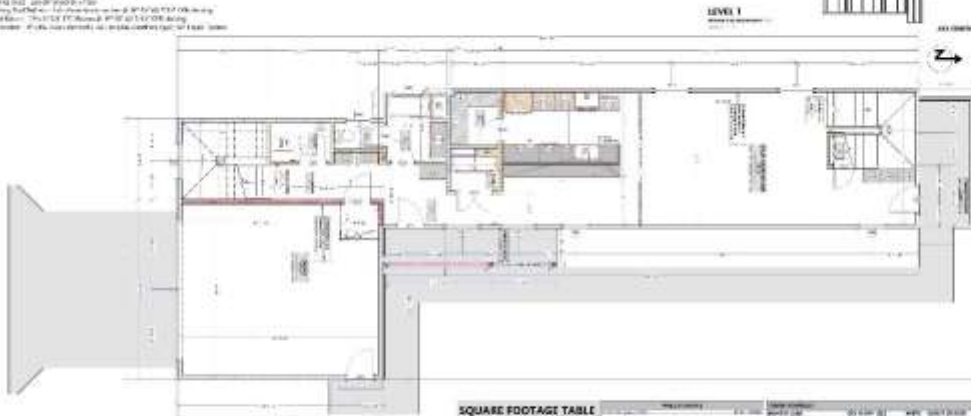
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A - 2 LEVEL 1

LAYOUT NOTES

[illegible][illegible]

(Continued)

2022-DV1-047; Floor Plans

A - 3 LEVEL 2

LARGE NOTES

[illegible]

LEVEL 2
WY 101 - ORAL SURVEILLANCE



TYPICAL EXTERIOR WALL FRAMING



LEVEL 2 *Intermediate* *100 questions*



SQUARE FOOTAGE TABLE

[illegible][illegible]

A - 4 LEVEL 3

LAYOUT NOTES

LAYOUT NOTES

- 1. See the drawing for the location of the building.
- 2. See the drawing for the location of the building.
- 3. See the drawing for the location of the building.
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- 9. See the drawing for the location of the building.
- 10. See the drawing for the location of the building.

TYPICAL EXTERIOR WALL FRAMING



LEVEL 3
 100% (100%)



SQUARE FOOTAGE TABLE

[illegible][illegible]

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the lot width variance is necessary to remodel the existing structure and construct a new rear addition on the deficiently sized lot. The variance for west side yard will legally establish the existing 0' side yard setback. The other variances are minimal deviations and would not be inconsistent with the area given the small-lot size.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the lot width variance is necessary to remodel the existing structure and construct a new rear addition on the deficiently sized lot. The variance for west side yard will legally establish the existing 0' side yard setback. The other variances are minimal deviations and would not be inconsistent with the area given the small-lot size.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

variance to legally establish the 0' west side yard setback and front setback are necessary to remodel the existing structures and remaining variances are necessary given the practical difficulty presented by the small size of the lot.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

FOR: Variance DevStd

Metropolitan Development
Aug 19 2022
Division of Planning

01/1206 T2

(Continued)

2022-DV1-047; Photographs



Photo of subject site: 409 East Morris Street



Photo looking west on Morris Street and surrounding neighborhood.

(Continued)

2022-DV1-047; Photographs



Photo looking east on Morris Street.



Photo looking north of subject site, with eating establishment.
(Continued)

2022-DV1-047; Photographs



Photo looking west on Morris Street.



Photo looking east on Morris Street.

(Continued)

2022-DV1-047; Photographs



Photo of rear yard and east lot line.