

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV1-059
Address: 7036 Warwick Road (approximate address)
Location: Washington Township, Council District #2
Zoning: D-4
Petitioner: Margaret & Sandfria L. Hale
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an attached garage and building addition resulting in a three-foot northern side yard setback and six-foot aggregate side yard setback (five-foot side yard setback and 13-foot aggregate side setback 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

D-4	Metro	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-4	Residential (Single-family dwelling)
South	D-4	Residential (Single-family dwelling)
East	D-4	Residential (Single-family dwelling)
West	D-4	Residential (Single-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends suburban neighborhood development.
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- ◇ The 0.14-acre subject site is improved with a single-family dwelling and is surrounded by similarly developed properties.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of this petition would allow for a deficient three-foot side setback and an aggregate of six feet.
- ◇ Per Table 744-201-1 of the Consolidated Zoning and Subdivision Ordinance, the D-4 district within the Metro Context area requires five-foot side setbacks with an aggregate of 13 feet.

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- ◇ Setbacks are required to keep 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 determined that three-foot north side setback for the proposed garage and house addition would not be injurious to the public health, safety, morals and general welfare of the community since there would be sufficient room for property maintenance while allowing for the use of the attached garage with the two-foot widening proposed.
- ◇ The site once measured 60 feet wide, but a previous owner of the property sold a ten-foot-wide strip of land from the subject site to the property owners to the north, thus reducing the lot width that would have otherwise accommodated the proposed addition.
- ◇ For these reasons, staff recommends approval of this request.

GENERAL INFORMATION

THOROUGHFARE PLAN	Warwick Road 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 50-foot proposed right-of-way.
SITE PLAN	File-dated November 1, 2022.
FINDINGS OF FACT	File-dated November 1, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2007-DV1-046; 7064 Broadway Street (northeast of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence in the required front yard (not permitted), **dismissed**.

2006-AP2-002; 7071 Warwick Road (northeast of site) Approval of a Waiver of the one year filing rule, related to petition 2005-DV2-051, to provide for the filing of a variance on a property that was the subject of a variance which received an adverse decision on February 14, 2006 (Twelve month waiting period before re-filing following an adverse decision required), **denied**.

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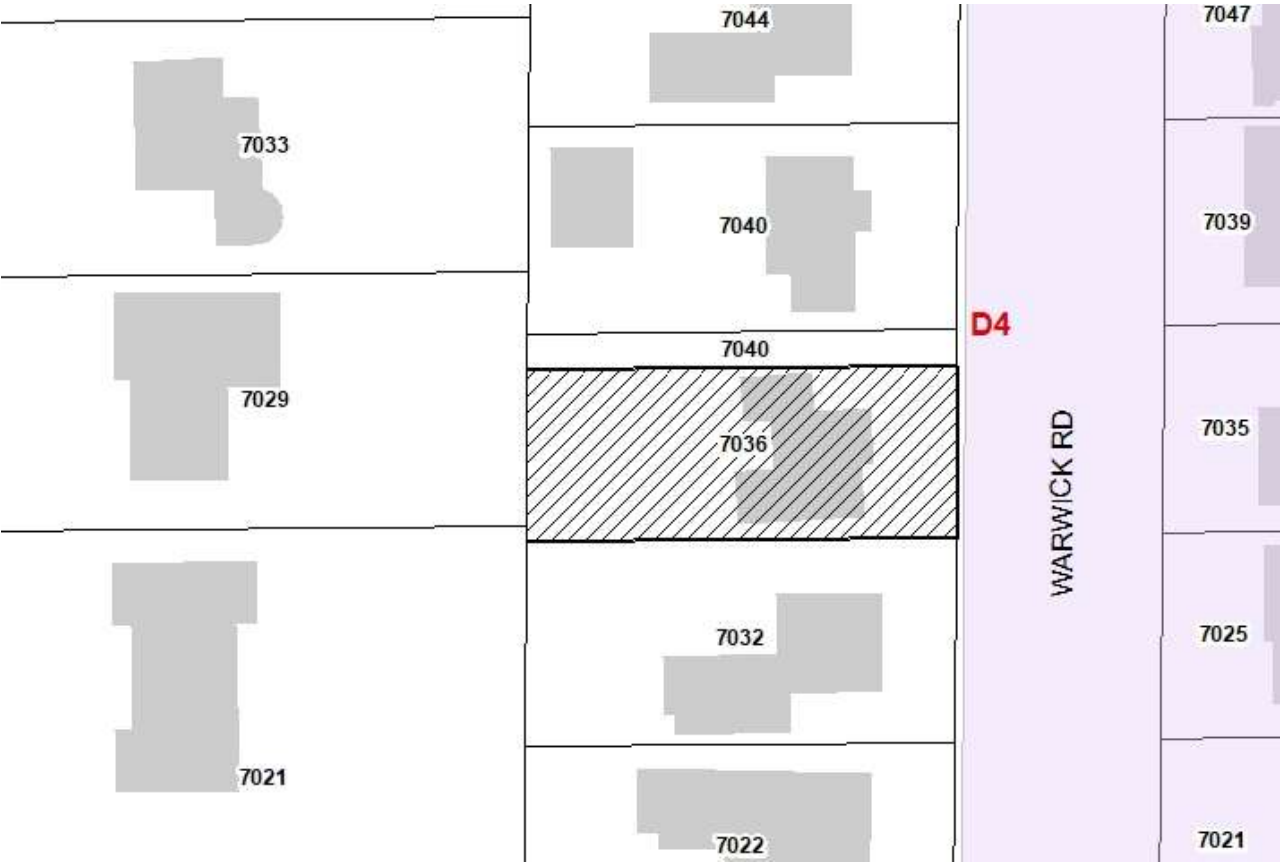
2005-DV2-051; 7071 Warwick Road (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence, within the required front yards and rights-of-way of both 71st Street and Warwick Road, **denied**.

2003-DV3-044; 7001 Central Avenue (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 247-square foot storage shed with a two-foot north side yard setback and a seven-foot aggregate side yard setback; **withdrawn**.

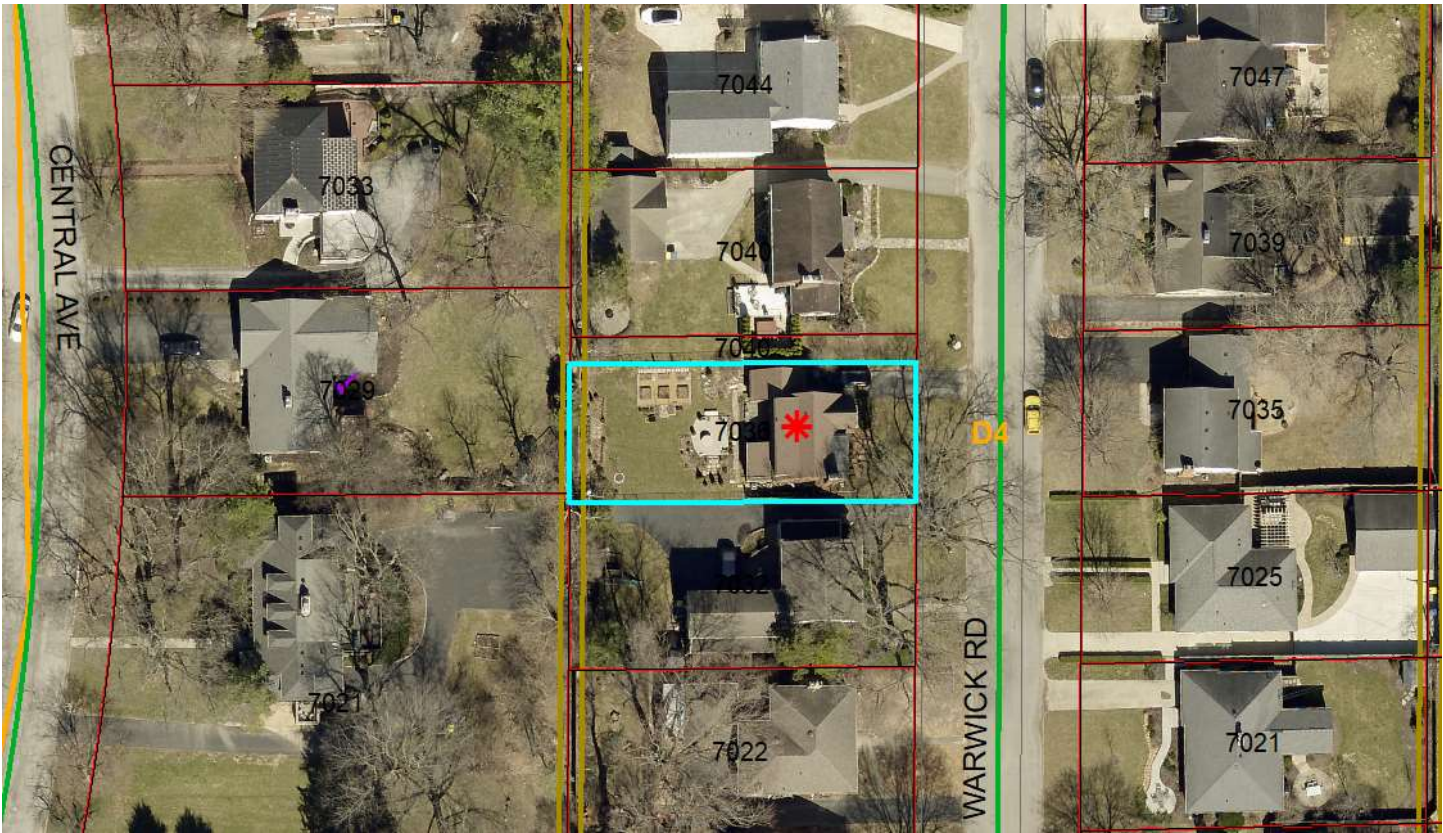
2001-LNU-039; 7029 Central Avenue (west of site), Certificate of Legal Nonconforming Use for a 48-square foot storage shed with a four-foot south side yard setback, **denied**.

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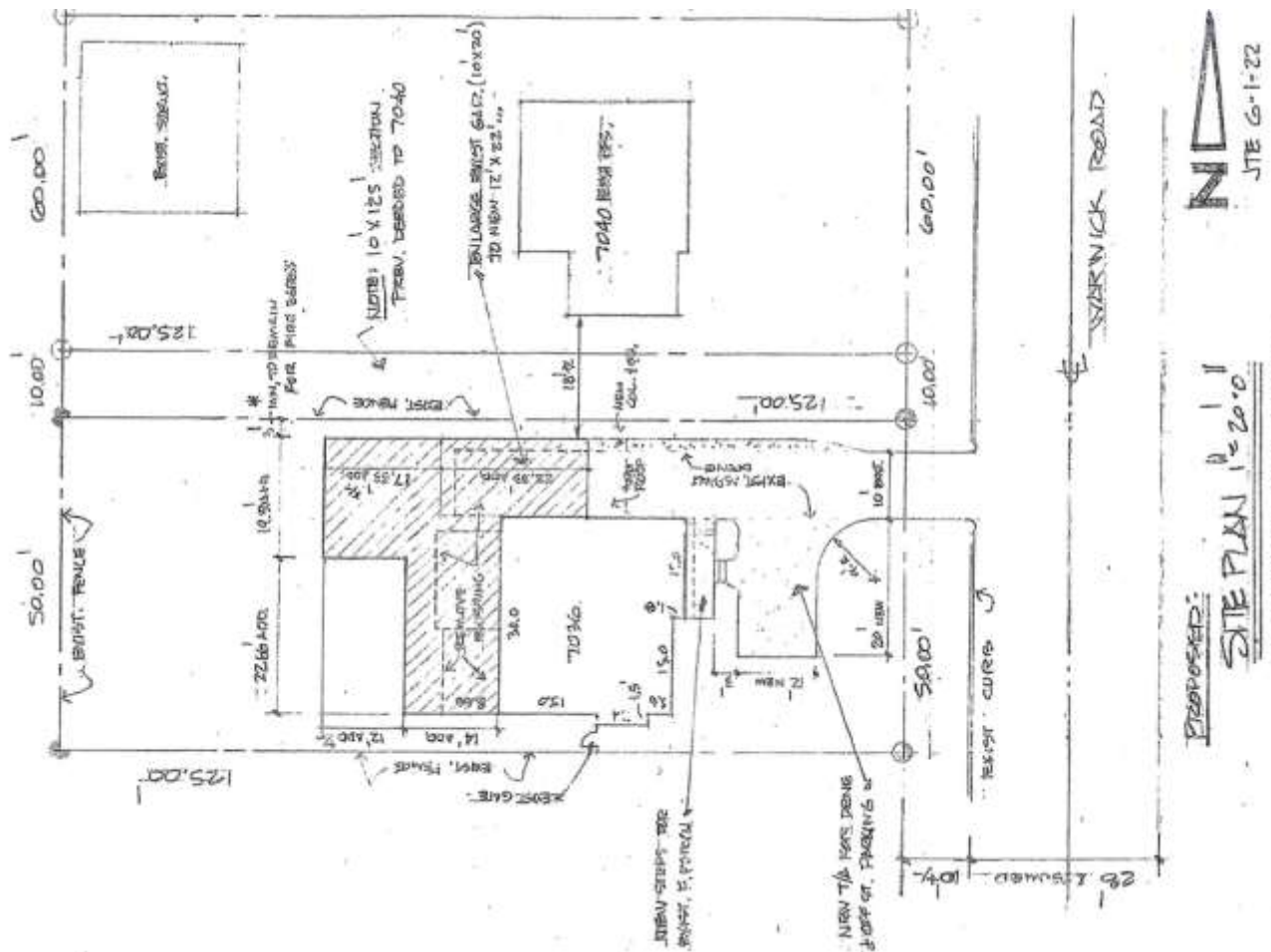
2022-DV1-059; Location Map



2022-DV1-059; Aerial Map



2022-DV1-059; Site Plans



PROPOSED MODIFICATIONS

Marked Up Aerial Photo



2022-DV1-059; Photographs



Photo of the Subject Property: 7036 Warwick Road

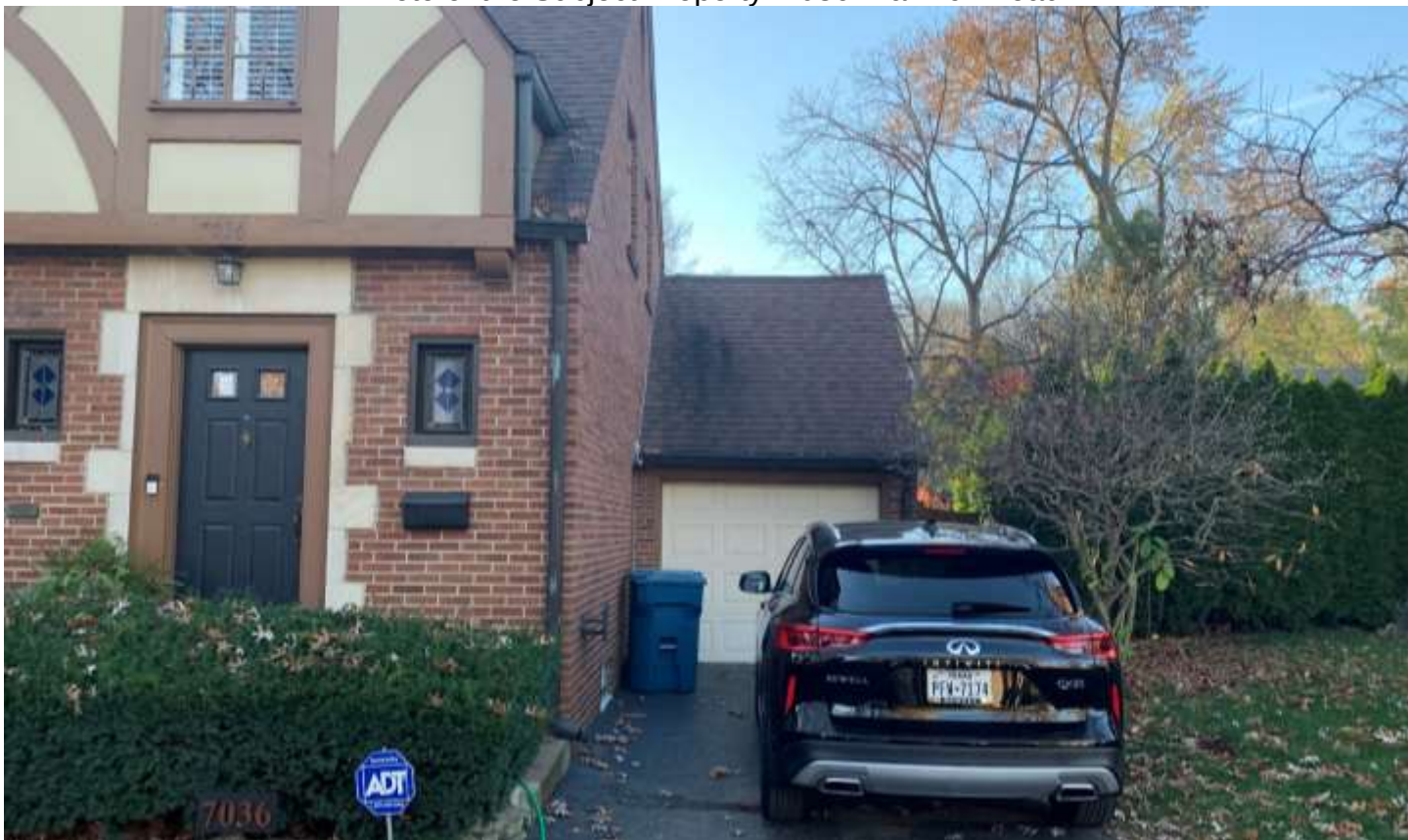


Photo of the existing narrow garage.



Photo of the existing north side yard.



Photo of the location of the house additon to replace the sunroom.



Photo of the rear yard and abutting single-family dwelling to the north.



Photo of the single-family dwelling to the south.