

STAFF REPORT
Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-UV1-003
Address: 2962 North Delaware Street (approximate address)
Location: Center Township, Council District #9
Zoning: D-5 (TOD)
Petitioner: Jeffrey & Michelle Shukhman, by Jeffrey S. Jacob, Esq.
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to allow for a triplex within an existing building (not permitted) and legally establish its zero-foot northern corner side yard setback (eight-foot corner side yard setback required) and zero-foot south side yard setback (five-foot side yard setback required).

RECOMMENDATIONS

Staff recommends **approval** of the petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact area	D-5	Triplex dwellings
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SURROUNDING ZONING AND LAND USE

North -	D-5	Two-family dwellings
South -	D-5	Single-family dwelling
East -	C-3	Commercial restaurant
West -	D-5	Fourplex dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 8-15 residential units per acre for the subject site.
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VARIANCE OF USE

- ◇ According to historic Sanborn aerial maps, the subject site was originally developed as a duplex in 1920. Aerial photos, indicate the duplex was converted into a triplex within the existing building with the addition of a third entrance, sometime prior to 1986.
- ◇ The Comprehensive Plan recommendation of 8-15 residential units per acre, is a legacy recommendation from a previous neighborhood plan, and is similar to the current Traditional Neighborhood recommendation.
- ◇ The Traditional Neighborhood plan recommendation allows for attached housing (triplexes included). It recommends the proposed housing to be located around neighborhood collector and arterial streets, which this portion of North Delaware Street is classified as.

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- ◇ The Comprehensive Plan also recommends that attached housing (not part of a complex), may be interspersed with single-family homes, but should not make up more than 25% of the primary residential structures on the block. In addition, the site layouts should be similar in site and building orientation as the surrounding single-family homes.
- ◇ The triplex within the existing building has three units, and similar site and building orientation as other single-family dwellings in the area, including a front porch, and covered porches over the entrances.
- ◇ For these reasons, the deviation from the Ordinance would be minor and supportable, in Staff's opinion.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would legally establish a zero-foot northern corner side yard setback, and a zero-foot south side yard setback as originally developed in 1920 with the existing building.
- ◇ The reduced setbacks have existed as-is on site since prior to April of 1969, and are considered legally non-conforming. There is no record of their deviation having a negative impact on any adjacent properties. Therefore, the requested deviation would be acceptable.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of North Delaware Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 60-foot existing and proposed right-of-way.

This portion of East 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 56-foot existing right-of-way, and a 78-foot proposed right-of-way.

SITE PLAN

File-dated January 12, 2023.

FINDINGS OF FACT

File-dated December 22, 2022.

ZONING HISTORY

2022-DV2-016; 2932 North New Jersey Street (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family detached dwelling with a nine-foot front setback along New Jersey Street, a five-foot corner side setback along Trenton Street, with a five-foot rear setback, within the clear-sight triangle and with a front-loaded garage, **granted**.

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2021-DV2-055; 2958 Washington Boulevard (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with zero-foot north and south side setbacks and 35% open space, **granted**.

2021-HOV-037; 2933 North Talbott Street (southwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 266-square-foot detached garage resulting in an open space of 58%, **granted**.

2013-UV1-034; 203 East 30th Street (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a carryout restaurant, **granted**.

2013-HOV-045; 2902 Washington Boulevard (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 816-square foot single-family dwelling, with 10 and 12-foot front setbacks, from 29th Street and Washington Boulevard, respectively, with the proposed front porch being within the clear-sight triangle of Washington Boulevard and 29th Street, and creating an open space of 53.9%, **granted**.

2002-HOV-024; 2945 Washington Boulevard (east of site), requested a variance of development standards of the Dwelling Districts to legally establish a 12 by 24-foot detached garage located 0.5 feet from the south property line and one-foot from the rear property line, and to provide for the construction of an 18 by 24-foot addition to said garage along the rear property line, **granted**.

75-V2-63, 3001 North Delaware Street, (north of site), requested a variance of development standards and flood plain requirements to permit the erection of an outside stairway and remodel the existing non-conforming twelve-unit apartment building, **granted**.

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2023-UV1-003: Location Map





2023-UV1-003: Photographs



Subject site looking west from Delaware Street.



Subject site looking southwest from East 30th Street.



Adjacent single-family dwellings to the south, looking west.



Adjacent fourplex dwellings to the west, looking south.