

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-001
Address: 1344 South Belmont Avenue (approximate address)
Location: Wayne Township, Council District #16
Zoning: C-3
Petitioner: Kewin Martinez, by Sarah Walters
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a triplex within an existing building.

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
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SURROUNDING ZONING AND LAND USE

North	C-3	Undeveloped Lot
South	C-3	Residential (Fourplex)
East	C-1	Residential (One and Two-family dwellings)
West	D-5	Residential (One-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends 5 to 8 units per acre development.
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- ◇ The 0.08-acre subject site is developed with a two-story residential dwelling. It was originally constructed in 1900 as noted in the Assessor's Property Card.
- ◇ The surrounding area consists of range of housing types with single-family, two-family, and a four-plex.

VARIANCE OF USE

- ◇ The grant of this petition would allow a triplex to be located within the C-3 commercial zoning district.

(Continued)

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- ◇ 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.
- ◇ Per Table 743-1: Use Table, a triplex is only permitted in the C-3 zoning district if the existing building were vacant for a period of five consecutive years and if it complied with any use-specific standards. However, documentation was not submitted to support this exception. Therefore, a variance of use was requested.
- ◇ As it exists, the property would have a density of 12.5 units per acre if a single-family were proposed, which is greater than the five to eight unit per acre recommended. For this reason, staff does not find that the total of three units would be concerning since a single unit wouldn't meet the five to eight units per acre development recommendation.
- ◇ However, Staff determined that the use of a triplex would not be out of character with the surrounding area since it would align with the residential development recommendation of the Comprehensive Plan and would continue to promote the wide range of housing types already present in the immediate area.
- ◇ The petitioner's findings of fact note that "the triplex has existed as is since the 1970s". Although staff was unable to find any records to support this statement staff found the request to be supportable since staff would have supported a proposal for a multi-family dwelling if the site had been zoned D-5.
- ◇ There is a fence on site that might exceed the height limitation of a privacy fence in the front yard, but that would need to be addressed through another variance request or reduced in height to 3.5 feet tall in order to be in compliance.

GENERAL INFORMATION

THOROUGHFARE PLAN

South Belmont Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 47-foot existing right-of-way and a 56-foot proposed right-of-way.

SITE PLAN

File-dated December 8, 2022.

FINDINGS OF FACT

File-dated December 8, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None

PREVIOUS CASES

None

(Continued)

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ZONING HISTORY – VICINITY

2021-CZN-826 / 2021-CVR-826; 1329 South Belmont Avenue (northeast of site), Rezoning of 0.10 acre from the C-1 district to the D-5 district and variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling (not permitted) with 52% open space and five feet between dwellings (60% open space and 10-foot separation required), **approved and granted.**

2009-LNU-036; 1346 South Belmont Avenue (south of site), Certificate of legal non-conforming use for a four-unit residential building, **approved.**

2008-LNU-026; 1302 South Belmont (north of site), Certificate of legal non-conforming use for a three-unit residential building, **approved.**

2008-LNU-012; 1337 South Belmont Avenue (northeast of site), Certificate of legal non-conforming use for a four-unit residential building, **approved**

2007-UV1-028A; 1358 South Kappes Street (southeast of site), Variance of Use of the Commercial Zoning Ordinance to legally establish a single-family dwelling (not permitted), **granted.**

2007-UV1-028B; 1358 South Kappes Street (southeast of site), Variance of Use and Development Standards of the Commercial Zoning Ordinance to legally establish a 624-square foot detached garage accessory to a single-family dwelling use (not permitted), with a four-foot south side setback (minimum ten-foot south side setback required), and a nine-foot rear setback (minimum ten-foot rear setback required), **granted.**

2000-HOV-017; 1330 South Belmont Avenue (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish an existing single-family dwelling (not permitted), with 36 feet of street frontage (minimum 50-feet of street frontage required), and with a 3.5-foot and six-foot side yard setback (minimum 10-foot side yard setback required) and to provide for the construction of a 24 by 40-foot attached garage, with a two-foot side yard setback (minimum 10-foot side transitional yard required), and creating an accessory use are of 1,185-square feet or ten percent of the total gross floor area of the primary building (maximum 195-square feet or ten percent of the total gross floor area of the primary building permitted), **granted.**

2000-UV2-019; 1330 South Belmont Avenue (north of site), Variance of use of the Commercial Zoning Ordinance to legally establish a single-family dwelling and construction of a 24 by 40-foot garage, **withdrawn.**

95-V3-90; 1305 South Hiatt Street (northeast of site), Variance of development standards to provide for an eight-foot-tall privacy fence along the south property line, **denied.**

73-UV3-4; 1334-1338 South Belmont Avenue (north of site), Variance of use to provide for an auto repair shop in an existing detached garage and a pole sign, **granted.**

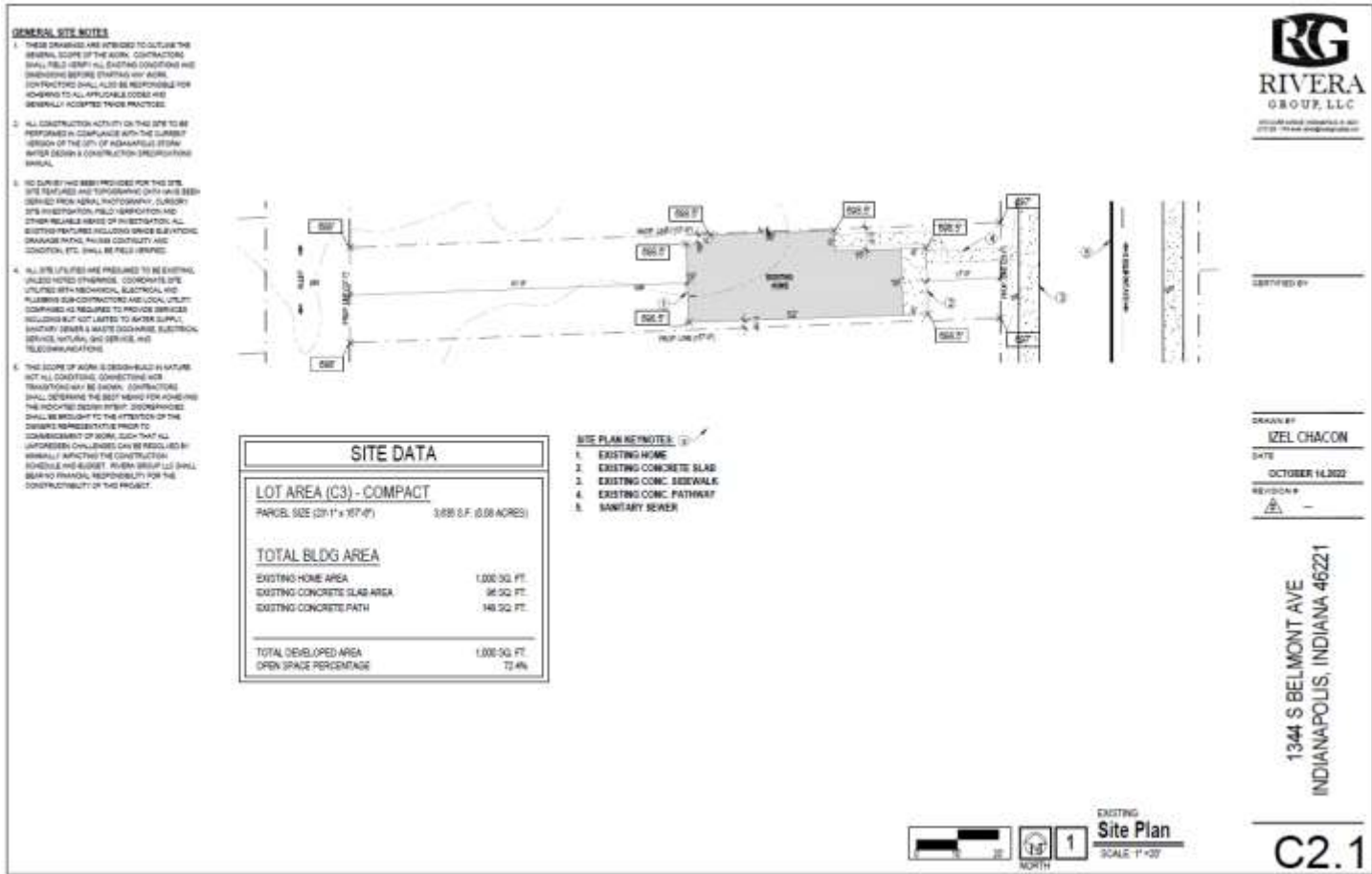
2023-UV1-001; Location Map



2023-UV1-001; Aerial Map



2023-UV1-001; Site Plan



2023-UV1-001; Photographs



Photo of the Subject Property: 1344 South Belmont Avenue



Photo of the Subject Property: 1344 South Belmont Avenue



Photo of the fourplex and duplexes south of the subject site.



Photo of the duplex and single-family dwelling east of the subject site.