

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2022-DV1-062 (Amended)  
**Address:** 1012 Olive Street (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5 (TOD)  
**Petitioner:** Kristen Fern  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a driveway with a zero-foot north side yard setback and a three-foot rear yard setback (three-foot side yard setback and 20-foot rear setback required) providing access from Olive Street (exclusive vehicle access from improved alley required).

This petition was previously automatically continued at the request of the petitioner, from the January 3, 2022, hearing to the February 7, 2023, hearing.

A registered neighborhood organization has filed a timely automatic continuance, **continuing this petition from the February 7, 2023, hearing, to the March 7, 2023, hearing.** This would require the Board's acknowledgement.

**January 3, 2023**

### **RECOMMENDATIONS**

Staff **recommends denial** of this petition.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

D-5	Single-family dwelling
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##### **SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwelling
South -	C-3	Commercial development
East -	D-5	Single-family dwelling
West -	D-5	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood uses for the site.
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## **STAFF REPORT 2022-DV1-062 (Continued)**

### **DEVELOPMENT STANDARDS**

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to side and rear setbacks are intended to provide 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 believes the proposed driveway with a zero-foot north side yard setback and a three-foot rear yard setback would not provide sufficient area for accessibility and maintenance and would negatively impact the adjoining properties to the north and to the west.
- ◇ No practical difficulty exists for the property, since the proposed driveway can be relocated to an area on site that meets the required Ordinance setbacks. Any practical difficulty related to the proposed driveway setbacks would be self-imposed, by the proposed location.
- ◇ This property is required to gain exclusive access from the existing improved alley, per Section 744-301 of the Ordinance. The “Access to accessory parking areas” provision states that “... if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.” In addition, per Section 744-401 of the Ordinance. The “Access to and from parking lots and garages” provision states that “... no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.”
- ◇ The Department of Business and Neighborhood Services has determined that the abutting alley to the south of the property is an “improved” alley, and therefore access from Olive Avenue for an accessory parking area / driveway would not be allowed, per the Ordinance.
- ◇ The property has an existing curb cut from the alley at the southeast corner of the lot. The proposed driveway does not utilize this existing curb cut, and instead creates a new curb cut along Olive Street, reducing sidewalk access and on-street parking.
- ◇ Aerial photos indicate the property has a history of providing alley access and a driveway from the alley to a garage as recent as 2012.
- ◇ Alley access where available, helps the pedestrian environment by reducing the number of new curb cuts across sidewalks and preserves valuable curbside parking, along with reducing the amount of pavement needed for driveways, which causes significant storm water runoff into city drainage systems.
- ◇ No practical difficulty exists for the property, since the site has previously established alley access and could continue to do so, either with the existing alley access, or a new alley access, by right. Any practical difficulty related to the proposed curb cut access from Olive Street would be self-imposed, by the proposed design.

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## **STAFF REPORT 2022-DV1-062 (Continued)**

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of Olive Street is designated as a local street on the Official Thoroughfare Plan, with an existing and proposed 60-foot right-of-way.
SITE PLAN	File-dated, November 29, 2022
FINDINGS OF FACT	File-dated, November 29, 2022

### **ZONING HISTORY**

**2020-DV2-040; 933 Olive Street (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to a single-family dwelling with seven feet between buildings, a 17-foot rear setback and 52% open space, **granted**.

**2018-HOV-006; 1134 Woodlawn Avenue (north of site)**, 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%, and to legally establish an existing dwelling with a 1.33-foot west side setback, a 15-foot front setback and less than 10 feet between primary dwellings, **granted**.

**2018-HOV-085; 1113 Woodlawn Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with 4.4 feet and 5.6 feet between dwellings, **granted**.

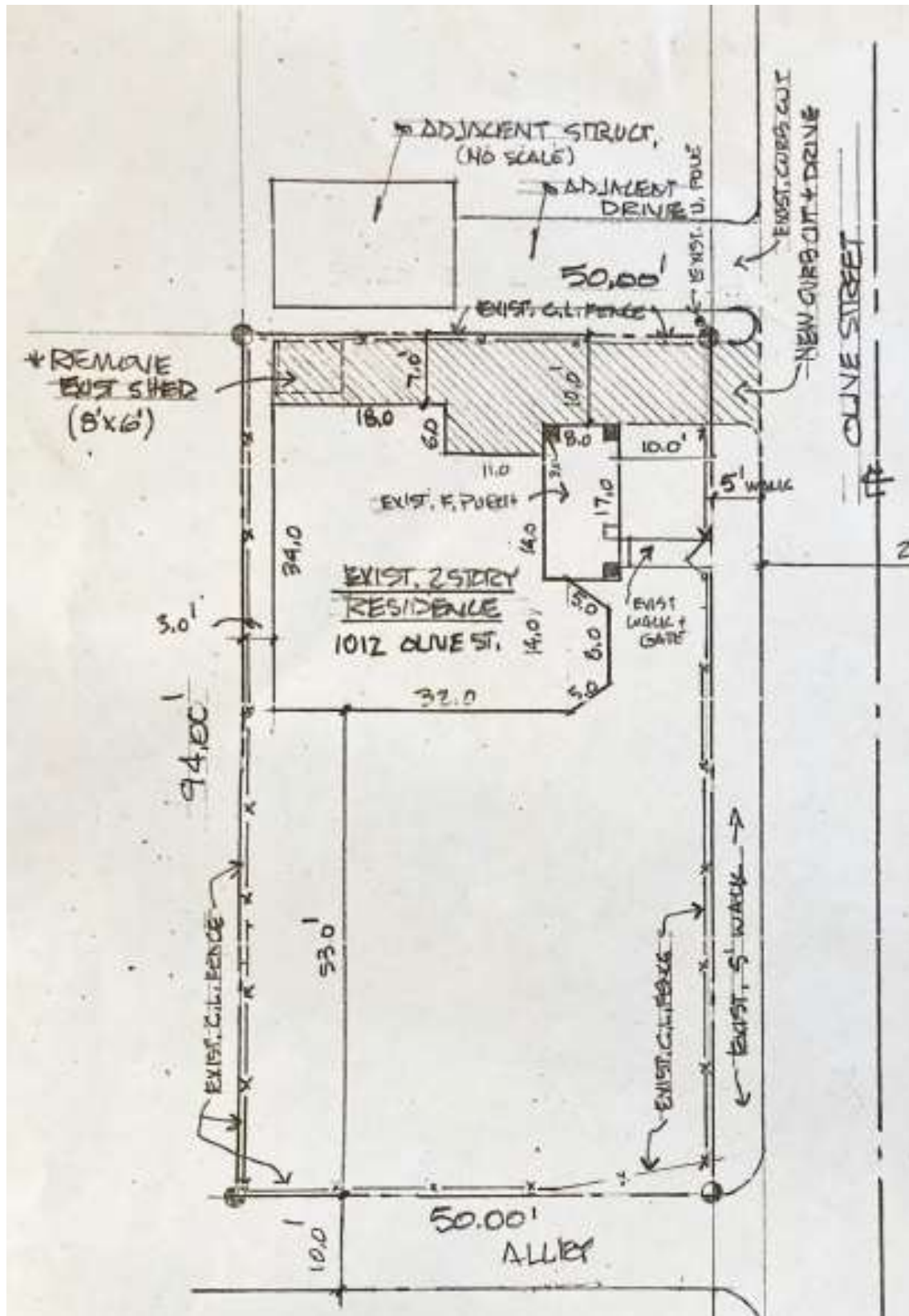
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**STAFF REPORT 2018-DV2-003 (Continued)**

**2018-DV2-003; Location Map**







**2022-DV1-062; Photographs**



Picture 1: Subject site, looking northwest.



Picture 2: Subject site proposed driveway and curb cut location, looking west.



Picture 3: Subject site south side yard, looking west.



Picture 4: Subject site location of existing parking area with alley access, and former garage that was removed sometime after 2012, looking north.





Picture 5: Subject site location of existing curb cut from the alley, for previous driveway and garage, that was removed sometime after 2012, looking northwest.



Picture 6: Adjacent property to the east, with garage alley access, looking north.





Picture 7: Adjacent property to the north without alley access, looking northwest.



Picture 8: Adjacent commercial property to the south of subject site, looking southwest.