



## BOARD OF ZONING APPEALS DIVISION II

January 13, 2026

**Case Number:** 2025-UV2-017  
**Address:** 853 North Tacoma Avenue (approximate address)  
**Location:** Center Township, Council District #13  
**Zoning:** D-5  
**Petitioner:** Near East Area Renewal, by Joe Smoker  
**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit rowhouse (not permitted), each with a minimum main floor area of 612 square feet, a front building line of 20 feet from Tacoma Avenue, and a five-foot corner side yard setback (660 square foot main floor area required, maximum 19.9-foot building line permitted, eight-foot corner side yard setback required), with deficient parking, per site plan filed.

**Current Land Use:** Undeveloped

**Staff Recommendation:** Staff recommends approval of this petition.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

## PETITION HISTORY

This petition was continued for cause by the Petitioner, from the December 9, 2025, hearing, to the January 13, 2026, hearing.

## STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

## PETITION OVERVIEW

- ◇ The subject site was originally developed with a single-family dwelling, which was demolished sometime in 2018. The site has been undeveloped since then.
- ◇ The Variance of Use request is for a three-unit rowhouse as per the site plan. Therefore, the Variance as granted would be subject to the site plan. The remaining portion of the lot is to remain undeveloped as open space. On street parking is being provided on either the 9<sup>th</sup> Street or Tacoma Avenue frontages.
- ◇ The subject site is a deep, but relatively narrow parcel, which creates a practical difficulty and unusual scenario for a multi-unit structure, which is contemplated by the comprehensive plan.



- ◇ The proposed use would provide needed housing and be similar to other development in the area, in regard to traffic, noise, and intensity of use. In Staff’s opinion, the request would be consistent with surrounding residential properties, and the Comprehensive Plan recommendation.
- ◇ The request for the 612 square foot main floor area, would be a 7% deviation from the required 660-square feet. Due to the depth and corner orientation of the lot, two of the new dwellings would have frontage on 9<sup>th</sup> street, which would limit the building depth and main floor area square footage, thereby creating less first floor area available for living area. The proposed dwellings, however, would still have sufficient overall living space between the first and second levels.
- ◇ The request for a 20-foot front setback from Tacoma Avenue would be a 1.2-inch deviation from the 19.9-foot required setback. The requested front setback would be smaller than the adjacent corner two-family dwelling to the north and would provide additional Clear Sight Triangle visibility for the corner.
- ◇ The request for the 5-foot north side setback, would be in addition to the existing 10-foot right-of-way between the parcel and the sidewalk along the 9<sup>th</sup> Street frontage, providing for an adequate side yard separation from the sidewalk.
- ◇ The requested variances of development standards would be minimal deviations in Staff’s opinion and would have no impact on the character of development within the surrounding area.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Recommends Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	Two-Family dwelling
	South:	Single-Family dwelling
	East:	Single-Family dwellings
	West:	Two-Family dwelling
<b>Thoroughfare Plan</b>		
North Tacoma Street	Local Street	60-foot existing and proposed right-of-way.
East 9 <sup>th</sup> Street	Local Street	52-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	September 23, 2025	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	September 23, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Pattern Book recommends the Traditional Neighborhood typology which 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. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## ZONING HISTORY

**2021-DV3-055A; 919 Eastern Avenue (east of site)**, requested a Variance of Development Standards to legally establish and provide for the expansion of a deck with an eight-foot rear setback, and an open space of 42%, **granted**.

**2021-DV3-055B; 919 Eastern Avenue (east of site)**, requested a Variance of Development Standards to legally establish and provide for the expansion of a deck with a zero-foot north side setback, and a five-foot separation between dwellings, **granted**.



**2020-DV3-025; 919 Eastern Avenue (east of site)**, requested a Variance of Development Standards to provide for the construction of a dwelling addition with an eight-foot rear setback and 47% open space, **granted**.

**2019-HOV-006; 924 North Rural Street (east of site)**, requested a Variance of Development Standards to provide for the addition of an attached garage to an existing two-story single-family dwelling, with an open space of 49%, **granted**.

**2019-DV3-021; 837 North Temple Avenue (east of site)**, requested a Variance of Development Standards to provide for a front porch with a 5.5-foot front setback and a six-foot separation between dwellings and to legally establish a dwelling with a two-foot south side setback and four feet between dwellings, **granted**.

**2018-HOV-007; 836 Eastern Avenue (east of site)**, requested a Variance of Development Standards to provide for an addition to an existing single-family dwelling, with a five-foot rear setback, and with 56% open space, **granted**.

**2018-DV3-029; 832 Eastern Avenue (east of site)**, requested a Variance of Development Standards to provide for a detached garage, with one-foot side and rear setbacks, **granted**.

**2017-HOV-017; 517 East 9<sup>th</sup> Street (east of site)**, requested a Variance of Development Standards to provide for four single-family dwellings, without parking, with eight-foot front setbacks and nine and six feet between dwellings, and with one dwelling encroaching within the clear sight triangle of the abutting alley and street, **granted**.

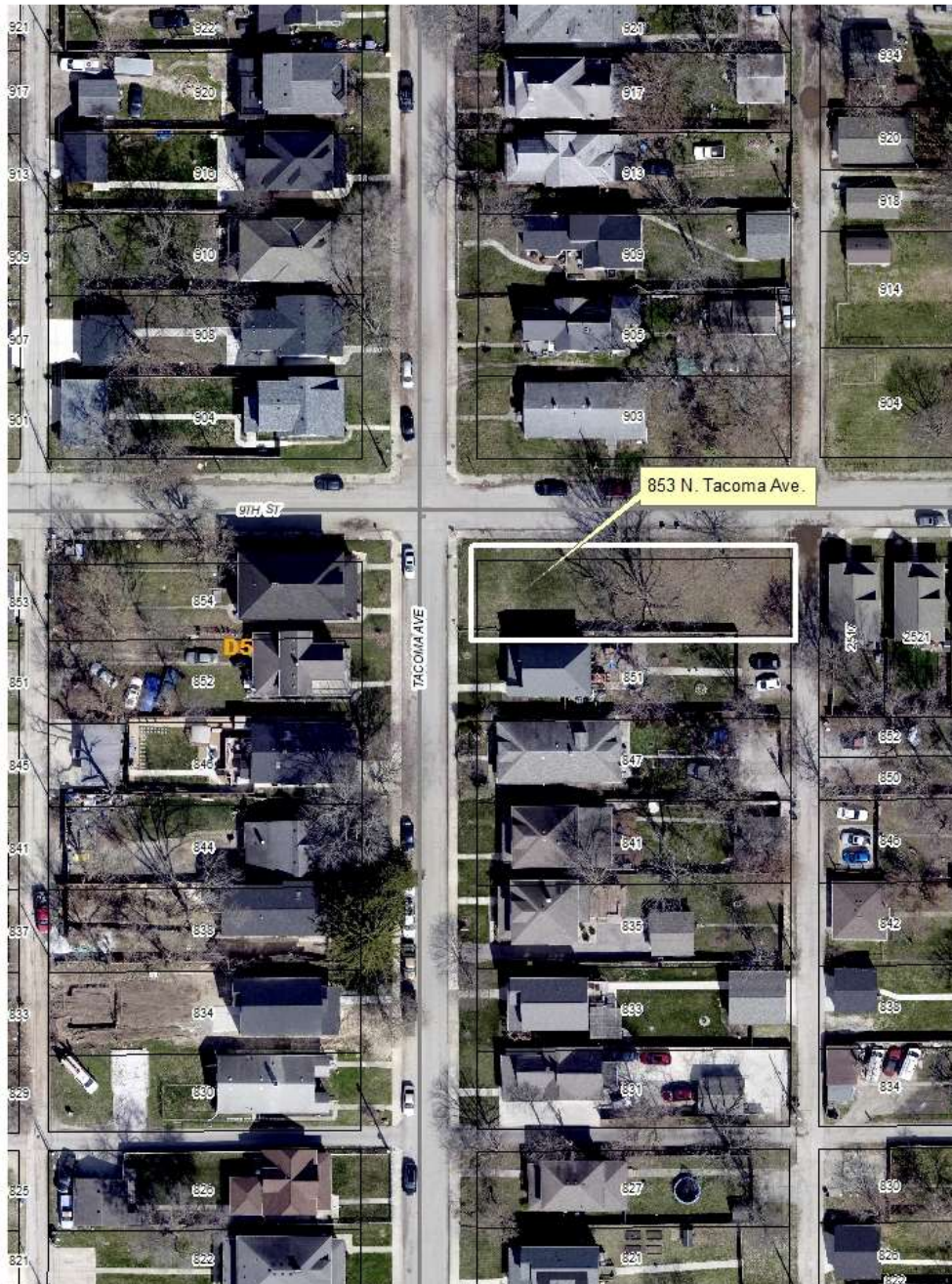
RU

\*\*\*\*\*

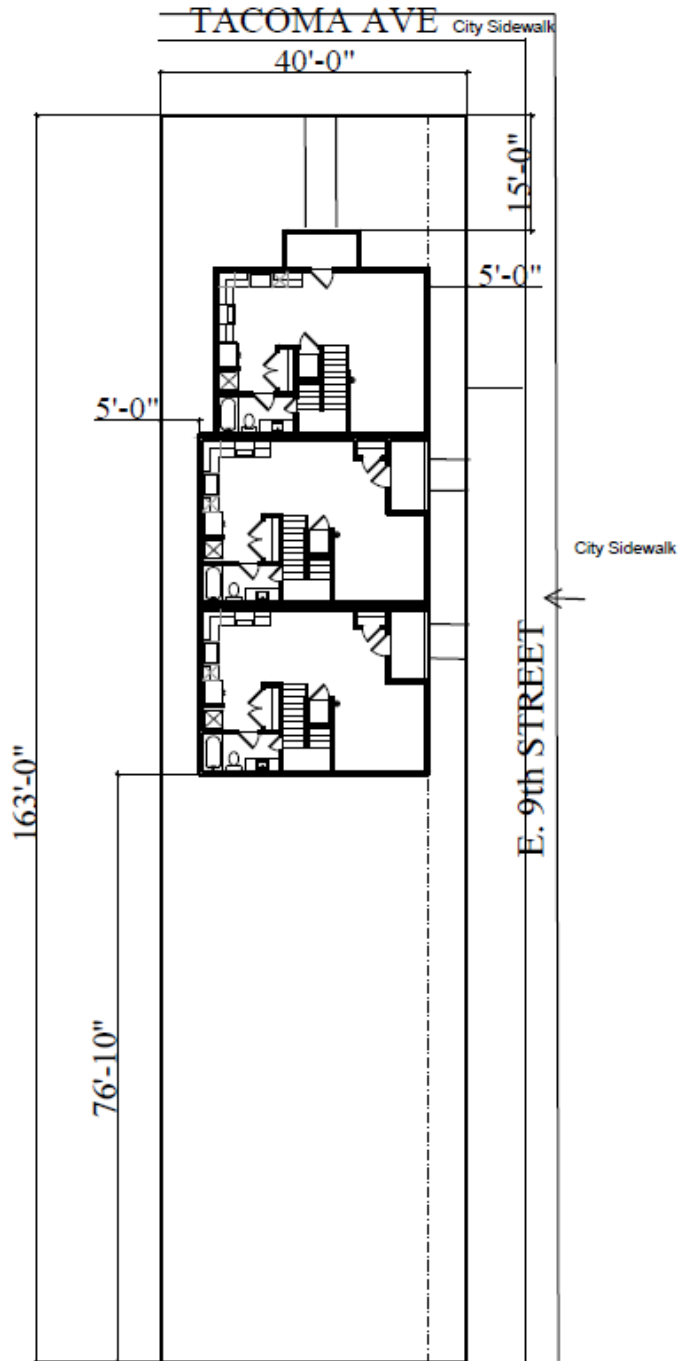


**EXHIBITS**

Location Map



Site Plan



**PROPOSED SITE PLAN**  
SCALE: 1" = 20'      N →



**Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

The proposed development would be constructed by certified professionals and would be required to meet local and state building codes as well as additional project inspections by DMD relative to the funding source.

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

The proposed use would be similar to adjacent properties and projects completed by NEAR. Developing housing for homeownership has been the long-time mission of the organization including the properties immediately adjacent to the subject lot.

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

The subject site is deep, but relatively narrow, creating an unusual scenario for a multi-unit structure, which is contemplated by the zoning ordinance and comprehensive plan. As a corner lot, the property faces corner lot requires stricter setback standards.

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

The subject site is within a block from a high frequency bus line and near to existing, urban commercial nodes. This location creates an ideal situation for slightly denser housing opportunities. Additionally, the townhome style of development typically includes smaller floor plans as well as limited opportunity or individual vehicle access. Limitations of the building code require the building to be set further away from the south property line, forcing the building closer to the north lot line.

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

The Comprehensive Plan, specifically the traditional neighborhood category, contemplates varied housing styles and types. The proposed development retains the existing character and scale of the neighborhood while meeting the objectives of the Comprehensive Plan.



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 proposed development would be constructed by certified contractors and would be required to meet local and state building codes, including inspections from both code enforcement and city inspectors related to the funding source. Housing is a consistent use surrounding the subject site.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 proposed development would be consistent with surrounding uses and would not create any negative external impacts.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Multi-unit houses are contemplated by the Comprehensive Plan and zoning ordinance in locations similar to the subject site, but the standards of the D5 district significantly limit the development potential on a somewhat narrow, deep corner lot.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Photographs**



Photo 1 – Subject site looking east.



Photo 2 – Subject site looking west.



Photo 3 – Adjacent single-family property to the south, looking east.



Photo 4 – Adjacent two-family property to the west.





Photo 5 – Adjacent two-family property to the north, looking east.



Photo 6- Adjacent multiple single-family properties to the east, looking southeast.