

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**April 24, 2025**

**Case Number:** 2025-CPL-817 / 2025-CVR-817

**Property Address:** 866 West 26<sup>th</sup> Street

**Location:** Center Township, Council District #12

**Petitioner:** Canal Village III, LP, by Russell L. Brown

**Current Zoning:** D-5

Approval of a Subdivision Plat to be known as Replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition, dividing 0.13 acre into two lots.

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family detached dwellings, on proposed 2,829 square-foot lots (minimum 5,000 square-foot lots required), 22.5-foot lot widths (minimum 40-foot lot width required), and, with 3.5-foot side yard setbacks (minimum five-foot side yard setbacks required).

**Current Land Use:** Vacant

**Staff** Approval of the plat, subject to the conditions noted below.

**Recommendations:** Approval of the variance of development standards.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on these petitions.

**STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner approve and find that the plat, file dated April 1, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

## **PETITION OVERVIEW**

This 0.13-acre site, zoned D-5, is vacant and surrounded by a single-family dwelling to the north, south across West 26<sup>th</sup> Street, and to the west; and vacant land to the east, all zoned D-5.

### **PLAT**

#### **Site Plan**

The request would provide for a replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition that would provide two lots, each developed with a detached single-family dwelling.

#### **Streets**

Both lots would front along West 26<sup>th</sup> Street, which is a public street. An east / west alley abutting the lots along the northern boundaries would serve as access to a parking area located at the rear of each lot.

#### **Sidewalks**

Sidewalks exist along the West 26<sup>th</sup> Street frontage and appear to need repairs. However, if the sidewalks are further damaged during development and construction on the lots, replacement, in accordance with the Department of Public Works standards, would be required.

#### **Waivers**

None requested.

## VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for two lots with reduced lot area and lot width lot, including a 2,829 square-foot lot area when the Ordinance requires 5,000 square feet and a 22.5-foot lot width when the Ordinance requires a 40-foot lot width.

As originally platted, most of the lots in this subdivision do not comply with the current required lot area or lot width for a detached single-family dwelling. Consequently, staff believes these reductions would be an acceptable deviation that would have minimal impact on the neighborhood character and the surrounding land uses.

The requested variance for the reduced side setbacks would likewise be acceptable because aerials indicate that many of the existing structures do not comply with the current development standards and would be similar to and compatible with the existing neighborhood development.

Even though most of the platted lots in the area are 30 feet wide, smaller lots would increase the housing options, without any detrimental impact on the surrounding neighborhood character. Staff would note that following the recommendations of the Infill Housing Guidelines would assure that redevelopment of these lots would be compatible with the surrounding neighborhood and contribute to the renewal efforts in the area.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Residential at 3.5 to five units per acre	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-5 Single-family dwellings
	South:	D-5 Single-family dwellings
	East:	D-5 Vacant
	West:	D-5 Single-family dwelling
<b>Thoroughfare Plan</b>		
West 26 <sup>th</sup> Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	

Site Plan	April 1, 2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	March 25, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

Not Applicable to the Site

### Pattern Book / Land Use Plan

Not Applicable to the Site

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

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

United Northwest Neighborhood Plan (2008) recommends medium density residential, typically 3.5 to five dwelling units per gross acre: single-family dwellings.

### Infill Housing Guidelines

#### Infill Housing Guidelines

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

**Site Configuration**

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

**Aesthetic Considerations**

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

**Additional Topics**

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

**Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database

## ZONING HISTORY

**2025-CPL-816 / 2025-CVR-816; 1140 and 1146 Roache Street, (west of site)**, requested approval of a Subdivision Plat to be known as Replat of Lots 29-31 in Block 22 in Braden ET AL of North Indianapolis Addition, dividing 0.26-acre into four lots and a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, single-family detached dwellings, on proposed 22.5-foot lot widths, **pending**.

**2020-ZON-052; 1077 West 27<sup>th</sup> Street and 1149 Roache Street (south of site)**, requested rezoning of 0.22 acre from the C-3 and I-2 districts to the D-8 district, **approved**.

**2018-CZN-835 / 2018-CVR-835. 1066, 1114, 1121 and 1122 Roache Street, 1002 and 1102 West 28<sup>th</sup> Street, 1045 Udell Street and 2702 Clifton Street (east of site)**, requested rezoning of 0.70 acre from the C-1 (W-5), C-3 (W-5) and I-2 (W-5) districts to the D-5 (W-5) classification; and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,760-square foot lot (7,200 square feet) at 1122 Roache Street, to provide for single-family dwellings with 620-square foot main floor areas at 1002 and 1102 West 28<sup>th</sup> Street and 1045 Udell Street and 1121 Roache Street, to provide for a single-family dwelling with 1.5 and two-foot side setbacks and two feet between dwellings at 1066 Roache Street and to provide for a single-family dwelling at 1045 Udell Street, with 4.5 feet between dwellings, **approved and granted**.

**2018-ZON-114; 1005 and 1025 West 25<sup>th</sup> Street, 1073 West 27<sup>th</sup> Street, 1252 West 30<sup>th</sup> Street, 2534 and 2646 Burton Avenue, 1175 Udell Street, 1111 Eugene Street and 2605 Rader Street (east of site)**, requested rezoning of 1.6 acres from the C-1 (W-5), C-3, C-3 (W-5), I-2 (W-5) and I-3 (W-5) districts to the D-5 and D-5 (W-5) classification, **approved**.

**2018-ZON-097; 1117 Roache Street (west of site)**, requested rezoning of 0.09 acre from the I-2 (W-5) district to the D-5 (W-5) classification, **approved**.

**2005-ZON-207; 1031, 1033, 1058, 1062, AND 1159 Udell Street (north of site)**, requested rezoning of 0.43 acre from C-3 (W-5) and PK-1 (W-5) Districts to the D-5 (W-5) classification to provide for the construction of five single-family dwellings, **approved**.

**2005-ZON-119; 1059 and 1061 Udell Street (north of site)**, requested rezoning of 0.173 acre, being in the C-3 (W-5) district, to the D-5 (W-5) classification to provide for residential uses, **approved**.  
**2004-UV2-024, 1209 West Eugene Street (north of site)**, **requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a church parking lot (not permitted)**, granted.

**2002-ZON-059, 962 and 970 West 30<sup>th</sup> Street (north of site)**, requested rezoning of 0.30 acre from the C-3 district to the D-5 district to provide for single-family residential development, **granted**.

**2002-DV3-048, 430, 431, 434, 438, and 625 West 28<sup>th</sup> Street, 842, 846, and 917 West 29<sup>th</sup> Street, 1141 West 27<sup>th</sup> Street, 530 West 26<sup>th</sup> Street, 538, 542, and 754 West 25<sup>th</sup> Street 1021 and 1141 West 30<sup>th</sup> Street, 850, 854, 858, 1139, 1241, and 1245 Eugene Street, and 806 Udell Street (north of site),** requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of townhomes with 580 square feet of main floor area (minimum 660 square feet of main floor area required), with a minimum 6-foot front setback **granted**.

**2001-ZON-074, various addresses in 800 West 28<sup>th</sup> Street (west of site),** requested rezoning of 1.171 acres from D-5 (W-5) to SU-1 (W-5) to provide for religious uses, **approved**.

**2001-ZON-128, 1141 West 30<sup>th</sup> Street (north of site),** requested rezoning from the C-3 district to the D-5 district to provide for single-family residential development, **approved**.

**2001-ZON-127, 1242 West 30<sup>th</sup> Street (north of site),** requested rezoning from C-3 district to the D-5 district to provide for single-family residential development, **approved**.

**2000-ZON/VAR-807, 1202 Eugene Street (north of site),** requested a rezoning from D-5 to SU-1 and a variance of development standards of the Sign Regulations to provide for a 32.5-square foot, 7.5-foot-tall pylon sign located within 75 feet of a protected district (600-foot separation required for illuminated pylon and pole signs), **approved**.

**98-Z-60, 1169 West 30<sup>th</sup> Street (north of site),** requested rezoning of 0.8 acre from C-3 district to the D-5 district to provide for single-family residential development, **approved**.

**98-Z-57, 1145 West 30<sup>th</sup> Street (north of site),** requested a rezoning of 0.08 acre from the C-3 district to the D-5 district to provide for single-family residential development, **approved**.

**98-Z-55, 1109, 1115, and 1117 West 30<sup>th</sup> Street (north of site),** requested rezoning of 0.24 acre from the C-3 district to the D-5 district to provide for residential development, **approved**.

**98-HOV-35, 1262 and 1266 West 29<sup>th</sup> Street (north of site),** requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted**.

**98-HOV-34, 1238, 1242, and 1246 West 29<sup>th</sup> Street (north of site),** requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted**.



**98-HOV-32, 1166 West 29<sup>th</sup> Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted**.

**98-HOV-031, 1115, 1117, and 1121 West 29<sup>th</sup> Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted**.

**98-HOV-29, 1053 West 29<sup>th</sup> Street (north of site)**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a front yard setback of 10 feet (minimum 40 feet required and a minimum main floor area of 560 square feet (minimum 660 square feet required for dwelling higher than one story), **granted**.

**96-Z-53, 909-917 West 30<sup>th</sup> Street (north of site)**, requested rezoning of 0.86 acres from C-3 to D-5 to provide for the construction of 10 single-family residences, **granted**.

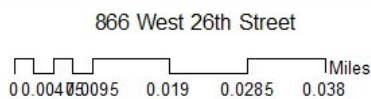
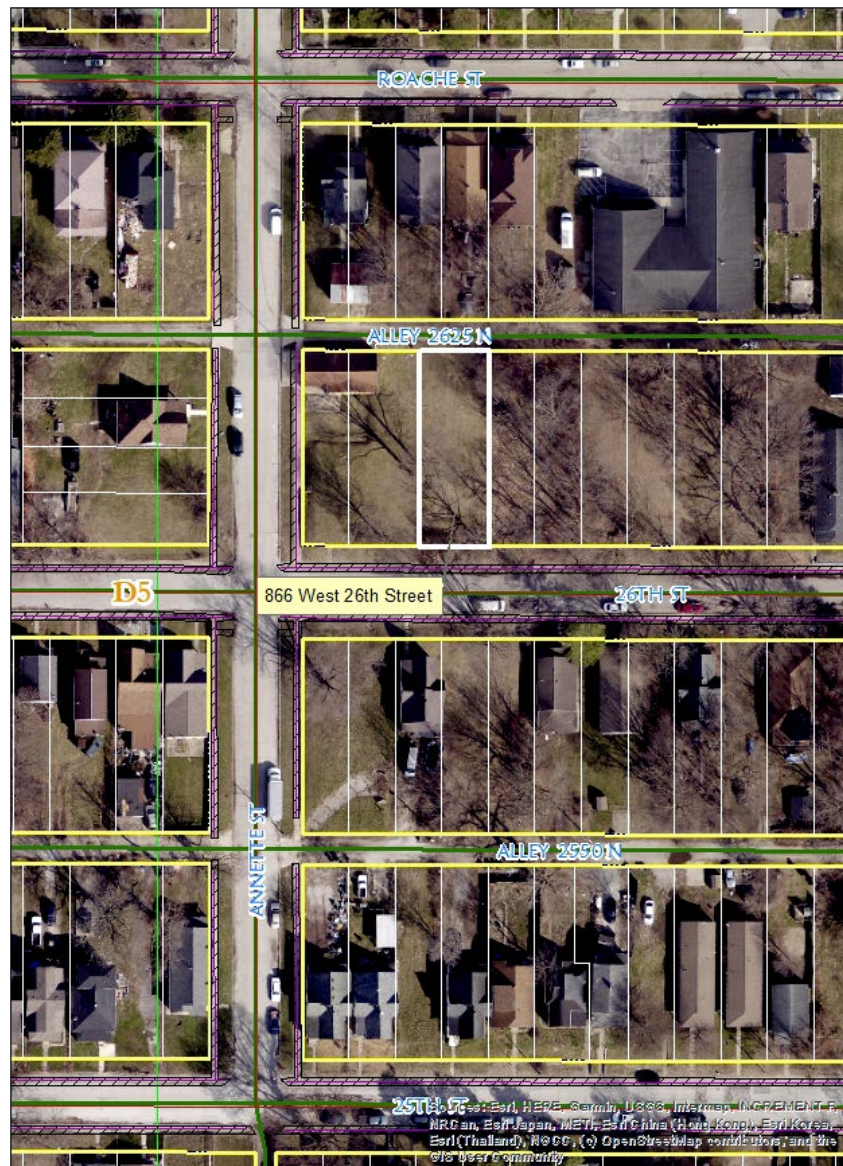
**94-Z-192; 1126, 1132, 1134, 1140 and 1146 Roache Street (west of site)**, requested rezoning of 0.52-acre from the I-2-U district to the D-8 classification to provide for single-family development, **approved**.

**88-UV2-137, 1166 West 28<sup>th</sup> Street (north of site)**; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage for the storage of commercial vehicles., **granted**.

**79-UV2-79, 1202 West Eugene Street (north of site)**, requested a variance of use and development standards to permit erection of a new church, replacing the old church, with identification sign and 12 parking spaces, **granted**.



EXHIBITS



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 proposal fulfills the intent of provisions of the zoning and subdivision control ordinances with regard to infill development and walkable neighborhood provisions by creating new construction opportunity in an established neighborhood. Granting the variances would allow continued reinvestment into a neighborhood where 1/3 of the population falls below the poverty line. The granting of the requested variances would have no injurious affects of the public health, safety, morals or general welfare of the community.

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 use and value of surrounding property would be positively affected by granting the variance requests. Construction of new single family detached homes, as opposed to the permitted 2-4 unit multi-family structures, provides a needed product that is consistent with the development patterns of the neighborhood. Permitting smaller lots serves to provide an affordable option in a neighborhood where over 1/3 of the residents are housing insecure and nearly half are housing cost burdened.

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

Granting of the variance requests would accomodate the evolution of the neighborhood and a modernization of infill strategy while maintaining the traditional neighborhood form and feel. The variance requests serve to provide single family reinvestment and repopulation of the neighborhood that sees a 27% vacancy rate as of 2022. Smaller lots also move to reduce the housing deficiency within Marion County. The strict application of the terms of the ordinance would create serious practical difficulties by conflicting with the Canal Village III Tax Credit project granted with support from the City of Indianapolis.

**DECISION**

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

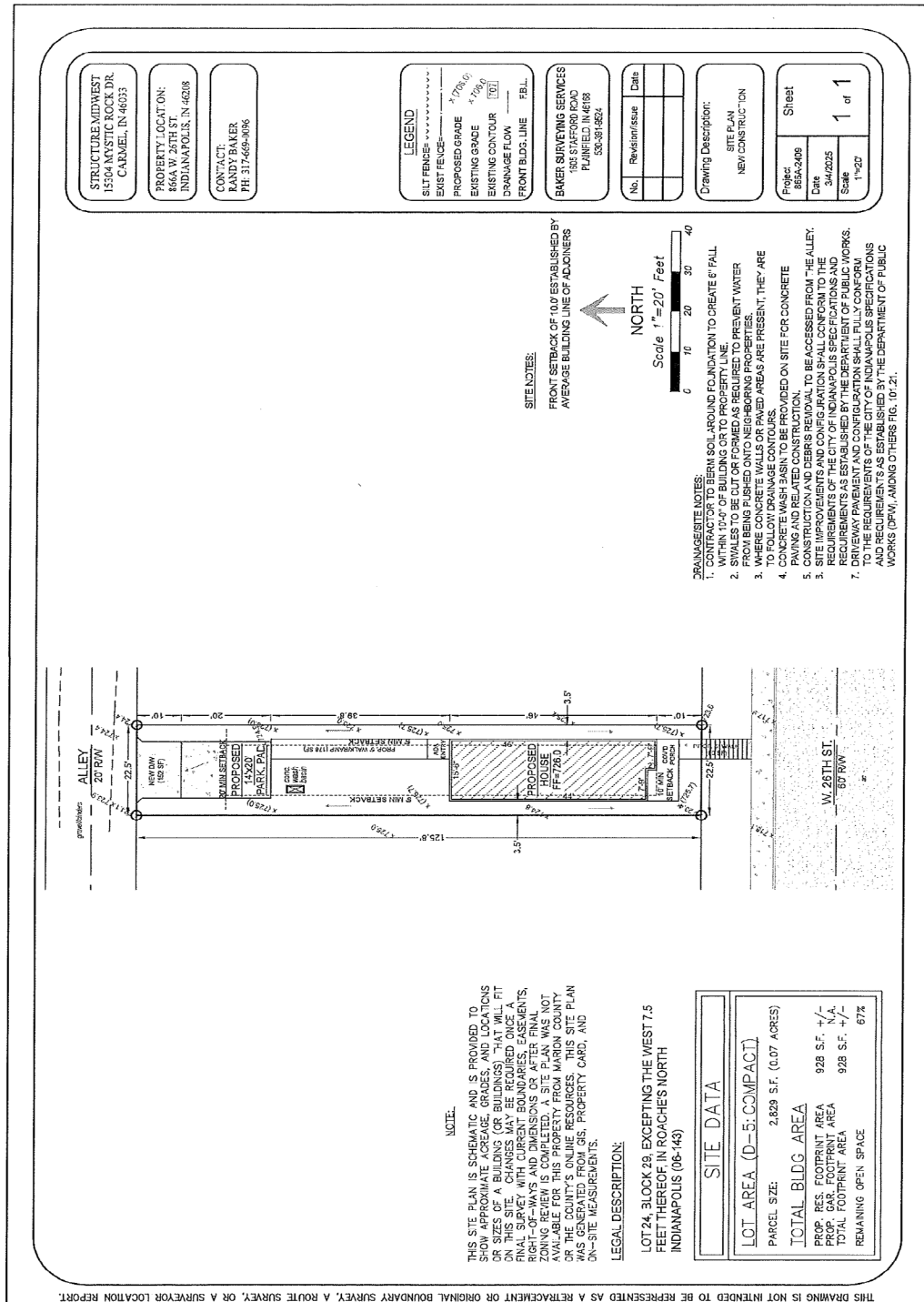
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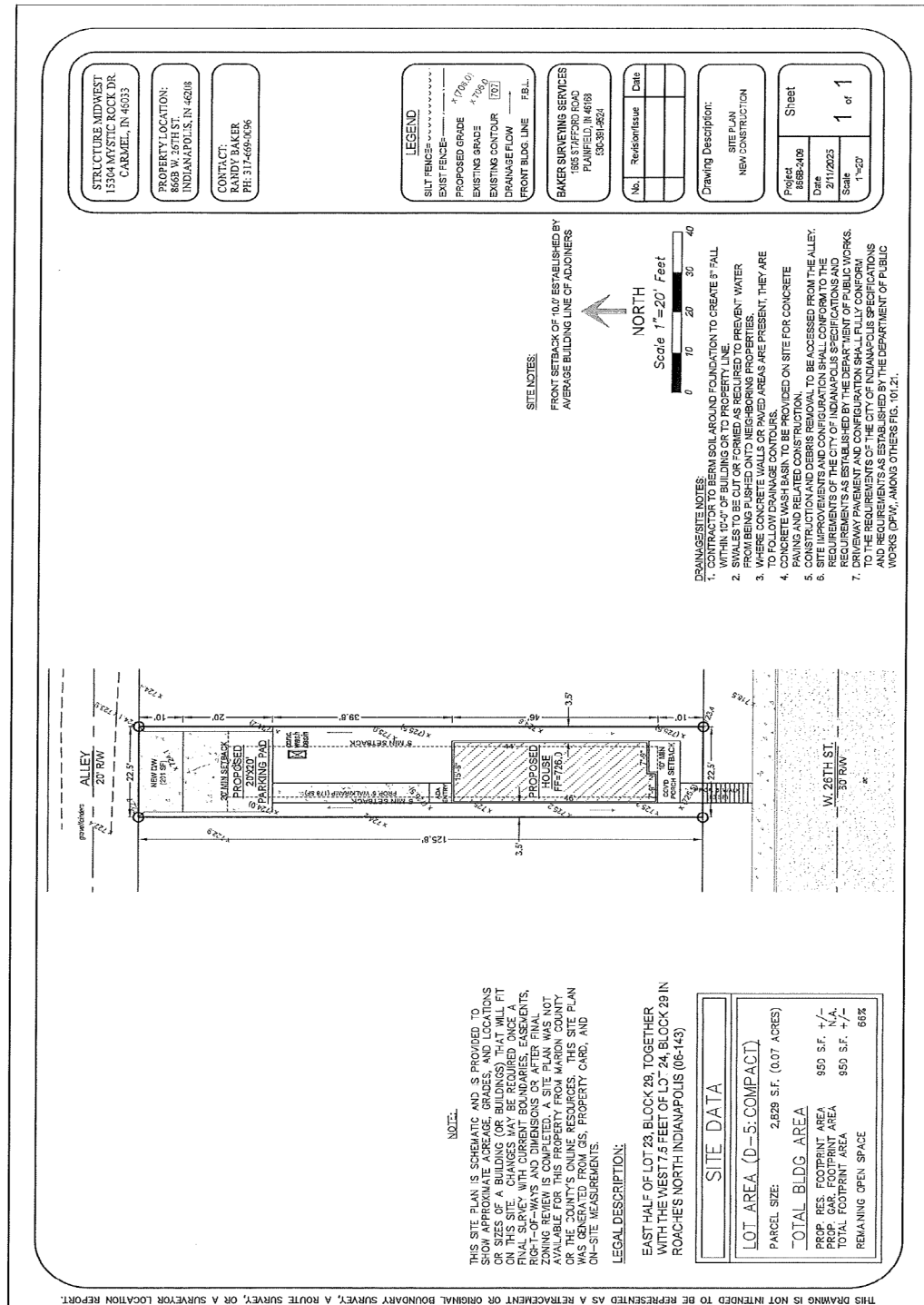




Site Plan – 866A West 26<sup>th</sup> Street



## Site Plan 866B West 26<sup>th</sup> Street





View looking west along West 26<sup>th</sup> Street



View looking east along West 26<sup>th</sup> Street





View of site looking north across West 26<sup>th</sup> Street



View of site looking north across West 26<sup>th</sup> Street





View of site looking northeast across West 26<sup>th</sup> Street



View of site looking northeast across West 26<sup>th</sup> Street





View from site looking southeast across West 26<sup>th</sup> Street



View from site looking southwest across West 26<sup>th</sup> Street