

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2024

Case Number: 2025-CPL-818 / 2005-CVR-818

Property Address: 3146 North Temple Avenue

Location: Center Township, Council District #8

Petitioner: Indy Real Estate Consulting, LLC, by Justin Kingen and David Kingen

Current Zoning: D-5

Request: Approval of a Subdivision Plat to be known as Veteran Villas, replat of Lot 73 of Tacoma Village, subdividing 0.16 acre into two single-family attached lots.

Current Land Use: Vacant

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

Staff Reviewer: Denial of the variances of use and 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 11, 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 0.16-acre site, zoned D-5, is vacant and surrounded by single-family dwellings to the north, west, south, and east, across North Temple Avenue, all zoned D-5.

PLAT

Site Plan

The request would provide for a replat of Lot 73 (approximately 50 feet wide) of Tacoma Village subdivision that would equally divide the lot into two 25-foot-wide lots to provide for two attached single-family dwellings.

Streets

Both lots would front along North Temple Avenue, which is a local 50-foot-wide public street.

Sidewalks

Sidewalks exist along North Temple Avenue frontage. Sidewalks have been replaced on the east side of the street north of this site, with improvements at the intersection of North Temple Avenue and East 32nd Street.

As this site would be developed, it is likely that the existing the sidewalk would need replacement resulting from construction activities. If repair and / or replacement of the sidewalk would be necessary, standards of the Department of Public Works would be required.

Waivers

None requested.

VARIANCE OF USE

This request would allow for the construction of two attached single-family dwellings in an area dominated by one-story detached single-family dwellings. Staff believes this development could be described as a duplex or two-family dwelling per the Zoning Ordinance that defines a two-family dwelling as “a building designed originally for residential occupancy by two families. . . . that contains two legally complete dwelling units. . . . that may or may not be located on a separate lot separated from the other by an unpierced wall extending from ground to roof. . . .”

According to historical aerials, this lot was originally developed with a single-family dwelling that was demolished around 1990 and the land has remained vacant during the intervening years.

As proposed, the use of the site for an attached two-family dwelling would be incongruent with the character of the surrounding neighborhood and would introduce a housing typology that would not be compatible or harmonious with the historical development of this neighborhood.

According to the site plan, file-dated April 11, 2025, the main floor area of each unit would be 645 square feet. The Ordinance requires a minimum of 900 square feet of main floor area for one-story units and a minimum of 660 square feet of main floor area for units over one story. No elevations were submitted with these petitions, but a variance would be required to be filed and approved for the reduction of main floor area.

Staff would note that The Pattern Book recommends that two-family / duplex dwellings be located at corners or intersections, with entrances located on different sides of the lot. This site lies in the middle of the block, with both entrances facing North Temple Avenue.

Given the reduced square footage of the main floor, there is a potential for a two-story dwelling. Staff would emphasize that a two-story dwelling would not be compatible in this neighborhood of one-story dwellings because it would result in a building mass that would be out of scale with and disrupt the architectural character of this neighborhood.

VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for a parking area in the front yard that occupies 66% of the lot width when the Ordinance limits the size of a parking area to the smaller of 30 feet of lot width and 50% of lot width.

Off street parking in this neighborhood generally occurs on a narrow driveway on either side of the dwelling that is aligned with a driveway on the opposite side of the street. There are also a few small garages scattered throughout the neighborhood, but the proposed parking area covers most of the front yard that would be yet another feature that causes this request to be out of character and scale with the neighborhood and inconsistent with the recommendations of Infill Housing Guidelines and compromise the pedestrian safety.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwelling
South:	D-5	Single-family dwelling
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
Thoroughfare Plan		
North Temple Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 11, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology 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, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of 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 a block.

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

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

None.

EXHIBITS



**VETERAN VILLAS
FINAL PLAT**

A REPLAT OF LOT 73 OF TACOMA VILLAGE
PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 04 EAST
CENTER TOWNSHIP, MARION COUNTY, INDIANA

VICINITY MAP
NOT TO SCALE

LEGEND

- New Property Line
- Property Line
- Adjacent Property Line
- Setback Line
- Easement Line

PROPERTY FACTS
CURRENT ZONING: D5

PREPARED FOR:
INDY REAL ESTATE CONSULTING LLC
6255 CARROLLTON AVE
INDIANAPOLIS, IN 46220

SOLOMON CONSULTING
526 E. MORRIS STREET
INDIANAPOLIS, IN 46203
(317) 966-5319
info@solomonconsulting.com

2 of **2**

Re-Plat
3146 N Temple Ave
Indianapolis, IN

Drawn By: L315
Checked By: J Barnes
Revision No.: 1
Revision Date: 3/6/25
Sheet Number: 2

7. AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

[Signature]

SURVEYORS CERTIFICATE

Lot 73 in Tacoma Village, an Addition to the City of Indianapolis, the plat of which is recorded as instrument number 27-055 and 27-056 in the Office of the Recorder of Marion County, Indiana.

This subdivision consists of 2 lots numbered 73A and 73B. The locations and dimensions of the lots, streets, and easements are as shown on this plat. The size of the lots and widths of streets as shown on this plat are in feet and decimal parts thereof.

I further certify that all monuments shown actually exist or will be installed in their position as correctly shown and that all dimensions and geodetic information are correct.

Witness my hand and seal this 20th Day of March, 2025.

[Signature]
James T. Barnes - Indiana Registered
Land Surveyor No. 21900009

SM - 1 SITE MAP

SITE MAP NOTES

DIMENSIONS AND LOCATIONS DERIVED FROM GIS RESOURCES AND ONSITE PROPERTY/SURVEY MONUMENTS. THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING ANY WORK. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS, AS WELL AS LOCAL UTILITIES COMPANIES AS REQUIRED TO PROVIDE SERVICES. INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SANITARY SEWER AND WASTE DISCHARGE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.

LAYOUT NOTES

All exterior dimensions are to 7/16" OSB sheathing
 All interior dimensions are to wall framing
 All opening dimensions are to rough opening or center line

PROPERTY NOTES

DRAINAGE NOTES - PROPERTY IS PREDOMINATELY LEVEL ($\pm 1'$)

Property is predominately level W/ $\pm 1'$ elevation change throughout the property
 No structure will be back-filled to create positive drainage
 Eriety of site to be graded to promote positive drainage as shown
 Concrete wash-out basin to be provided onsite during all flatwork installation
 Temporary construction drive to be established in the East of property (See drainage map)

MAPINDY CONTOUR LINES

Scale N/A



SCALE: 1" = 10' (SEE DRAINAGE MAP FOR CONTOUR LINES)
 ALL DIMENSIONS ARE TO CENTER LINE UNLESS NOTED OTHERWISE
 ALL OPENING DIMENSIONS ARE TO ROUGH OPENING OR CENTER LINE UNLESS NOTED OTHERWISE
 ALL EXTERIOR DIMENSIONS ARE TO 7/16" OSB SHEATHING
 ALL INTERIOR DIMENSIONS ARE TO WALL FRAMING UNLESS NOTED OTHERWISE

SQUARE FOOTAGE TABLE

STRUCTURAL FOOTPRINT

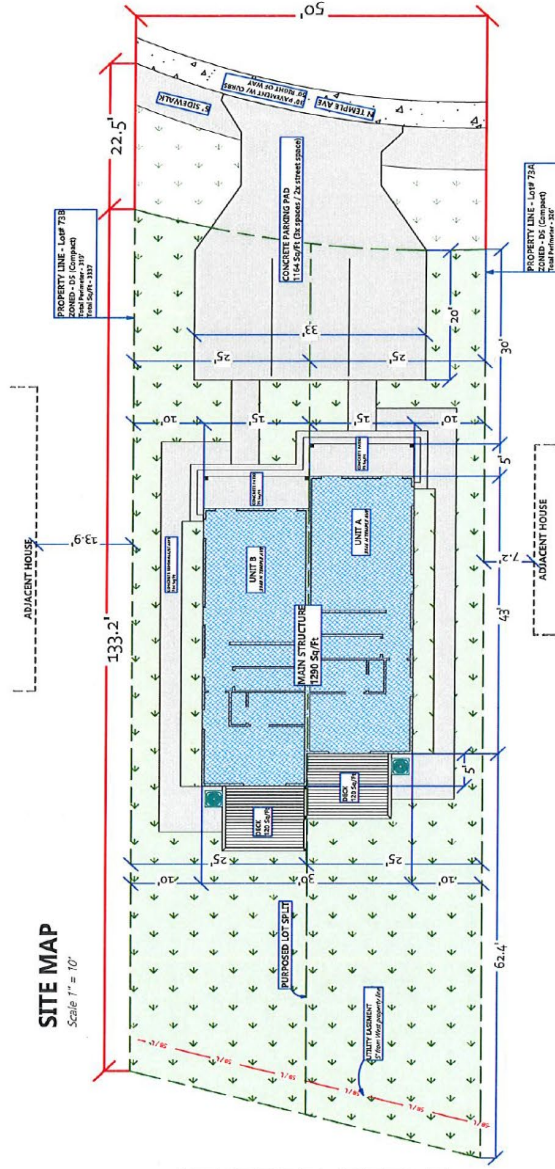
TOTAL PURPOSED STRUCTURAL FOOTPRINT (Main Structure + Entry Porch + Deck)
 1689 sq/ft (840 sq/ft Per Unit)
 TOTAL FINISHED SQUARE FOOTAGE (Lv 1 + 2)
 2408 sq/ft (1200 sq/ft Per Unit)
 TOTAL FINISHED SQUARE FOOTAGE (Lv 1)
 1200 sq/ft (600 sq/ft Per Unit)
 TOTAL FINISHED SQUARE FOOTAGE (Lv 2)
 1200 sq/ft (600 sq/ft Per Unit)
 TOTAL PURPOSED CONCRETE PATIO SQUARE FOOTAGE (Entry Porch)
 150 sq/ft (75 sq/ft Per Unit)
 TOTAL PURPOSED CONCRETE PATIO SQUARE FOOTAGE (Rear Deck)
 240 sq/ft (120 sq/ft Per Unit)
 TOTAL PURPOSED CONCRETE PATIO SQUARE FOOTAGE (Sidewalks + Steps)
 704 sq/ft (352 sq/ft Per Unit)
 TOTAL PURPOSED CONCRETE PARKING PAD FOOTPRINT
 1164 sq/ft (582 sq/ft Per Unit)

TOTAL SITE SQUARE FOOTAGE

PERCENTAGE OF PROPERTY SQUARE FOOTAGE COVERED BY PURPOSED STRUCTURAL FOOTPRINT - Total Property = 6745 sq/ft Unit A / 3337 sq/ft Unit B with purposeed lot split
 Structural Footprint - Total Existing Lot = 25% (75% Open Space)
 Unit A - 25% (75% Open Space)
 Unit B - 25% (75% Open Space)

SITE MAP

Scale 1" = 10'



SYMBOL	DESCRIPTION
[Symbol]	PROPERTY LINE
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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 granting of this variance of use will allow for the new construction of two single-family attached residential units that will be built for veterans. The development of two new single-family units will not be injurious to the public health, safety, morals, or general welfare of the community.

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 use and value of the area will be increased by the construction of two new single family residences.

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

Single-family attached residences are not permitted in a D-5 district, therefore a variance of use is necessary.

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

Single-family attached residences are not permitted in a D-5 district, therefore a variance of use is necessary.

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

The comprehensive plan recommends this area/subject site to be Traditional Neighborhood. The development of two single-family attached residences on this property will be consistent with the Traditional Neighborhood typology.

DECISION

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

Adopted this _____ day of _____, 20 ____

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 majority of single-family residences in his area of the Martindale-Brightwood neighborhood and specifically this segment of North Temple Avenue have private parking areas in the front-yard. Granting this variance request would allow for the subject site to be developed in a manner that is consistent with the character of the neighborhood.

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 majority of single-family residences in his area of the Martindale-Brightwood neighborhood and specifically this segment of North Temple Avenue have private parking areas in the front-yard. Granting this variance request would allow for the subject site to be developed in a manner that is consistent with the character of the neighborhood.

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

The subject site does not have an alley which would be needed to access a private parking area at the rear of the property. The practical difficulty exists due to the fact that developing a private parking area on the subject site would need a variance of development standards

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along North Temple Avenue



View looking south along North Temple Avenue



View of site looking west across North Temple Avenue



View of site looking northwest across North Temple Avenue



View of neighborhood looking southeast across North Temple Avenue



View looking south along North Temple Avenue