

**BOARD OF ZONING APPEALS DIVISION II**

June 11, 2024

**Case Number:** 2024DV2013  
**Property Address:** 2801 South Illinois Street (approximate address)  
**Location:** Center Township, Council District #18  
**Petitioner:** Phillip Padilla  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex with vehicle access from Illinois and Gimber Streets (exclusive access from improved alleys required).  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Staff recommends **denial** of this petition.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This petition was initially scheduled to be heard at the May 21, 2024 hearing of Division II. Due to a lack of quorum at that meeting, the petition was continued to the June 11, 2024 hearing.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- This property historically housed a single-family residence and is currently vacant after approval of a wrecking permit in 2022. It is surrounded by residential zoning and uses and is close to Meridian Street and Concordia Cemetery to the east. Although the property to the north does have two driveways opening onto Illinois and Gimber, other homes along the block to the south either utilize street parking or detached accessory garages opening onto the eastern alley as required by ordinance.
- Permit applications were made earlier this year for construction of a duplex with two driveway accesses within the front yard and corner side yard. A hold was placed since 744-301.A of the ordinance indicates that vehicle access to the lot would need to come exclusively from an improved alley when applicable. Approval of this variance would legalize two 2-car garages on the property with new driveway accesses onto both Illinois Street and Gimber Street.

- The site is zoned D-5 to allow for walkable neighborhood development either in new suburban neighborhoods or infill situations in established urban areas. The Marion County Land Use Plan Pattern Book recommends this site to the Traditional Neighborhood living typology for residential uses ranging from single-family residences to attached multifamily development. Both the Pattern Book and Infill Housing Guidelines recommend against the placement of front-loaded garages when alleys are available and encourage pedestrian connections from the front door instead of driveway placement.
- The Indianapolis Zoning Ordinance disallows for placement of front-loaded garages when access to improved alleys to help create residential communities with visually attractive and pedestrian-scale front yards, and all relevant guidance from comprehensive plans and recent ordinance amendments in 2021 reinforce this walkable development as a design priority. The findings of fact provided indicate that some neighboring properties have driveways opening to named streets, but (a) any redevelopment of those neighboring parcels would also be subject to current ordinance rules and (b) other homes along their same block utilize rear detached garages opening to the improved alley.
- The placement of two separate 2-car garages opening onto local streets instead of the improved alley runs counter to the spirit of new walkable neighborhood rules within ordinance as well as comprehensive plan recommendations. The garages would each constitute around 25% of the total unit square footage, and staff was unable to identify any site-specific difficulty that would prevent development of a compliant duplex or other residential use. Staff would therefore recommend denial of the petition.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-5	North: Traditional Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	D-5	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
<b>Thoroughfare Plan</b>		
Illinois Street	Local Street	50-foot right-of-way existing and 48-foot right-of-way proposed
Gimber Street	Local Street	40-foot right-of-way existing and 48-foot right-of-way proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	

<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	03/28/2024
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	02/09/2024
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	03/28/2024
<b>Findings of Fact (Amended)</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book contemplates this site for compact and well-connected Traditional Neighborhood uses ranging from single-family homes to large-scale multifamily housing. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.
- Within this land use type, duplexes are encouraged to be placed on corner lots with entrances located on different sides of the house. However, access to individual parcels should be granted by an alley when practical and pedestrian connections from the front door should be provided (driveways and parking areas do not qualify as pedestrian connection).

**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 indicates that garages should be oriented toward alleys and that front-loading garages and driveways should be avoided when alleys are available.



**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2019UV1003 ; 2750 S Meridian Street (northeast of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a beauty salon and barber shop in an accessory building (not permitted), **approved**.

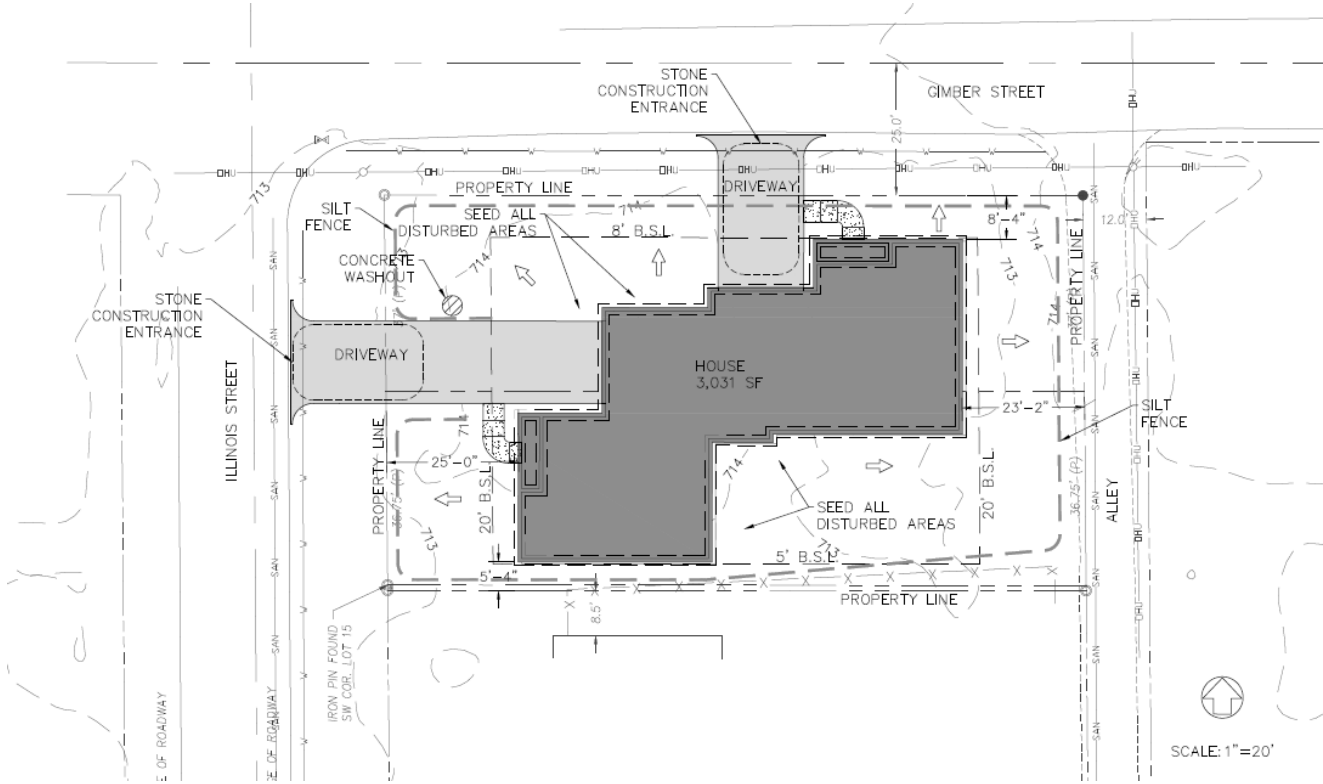
**EXHIBITS**

**2024DV2013 ; Aerial Map**

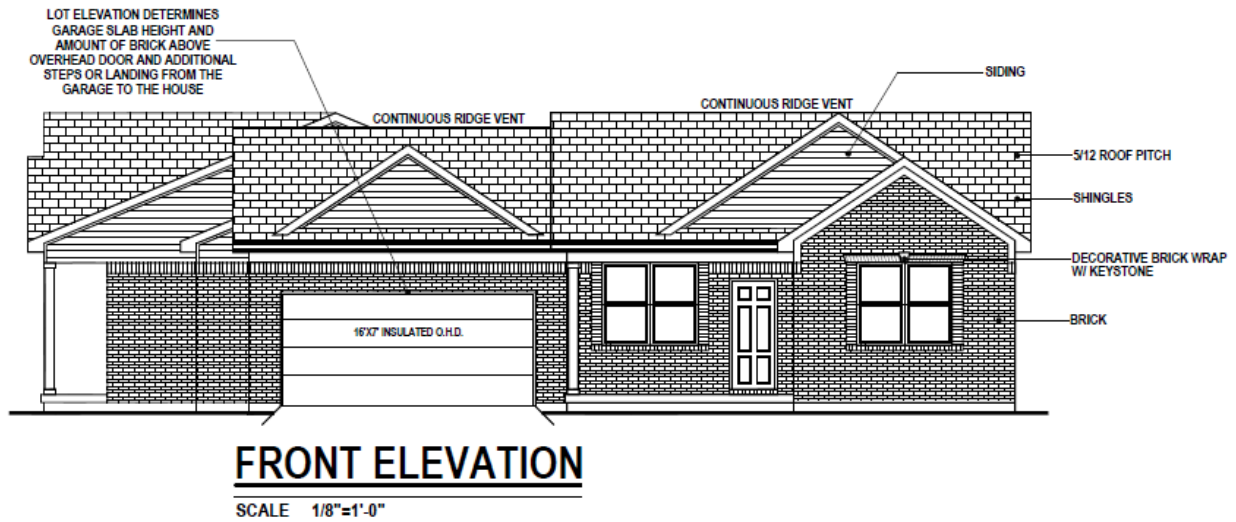




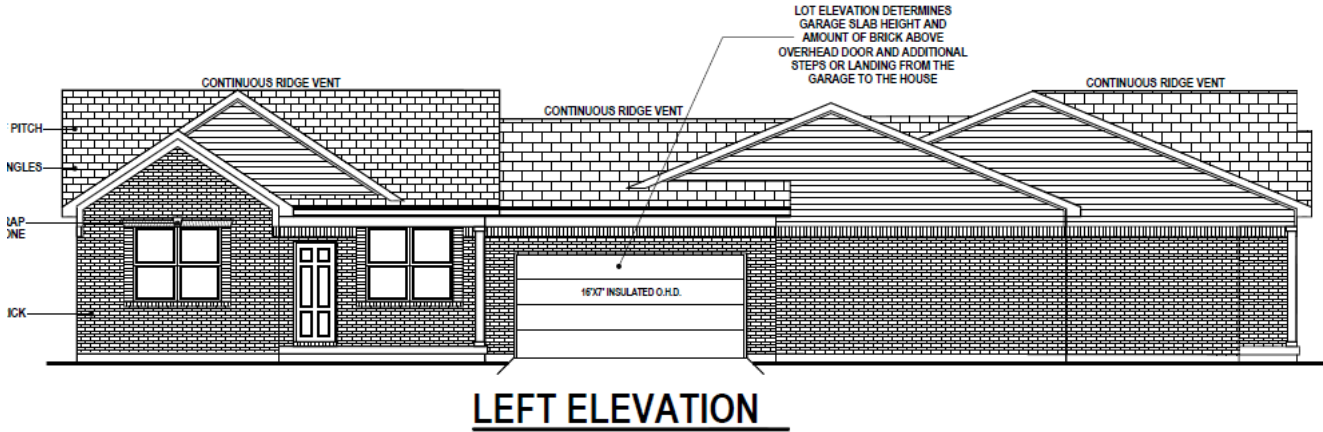
**2024DV2013 ; Site Plan**



**2024DV2013 ; Front Elevation (west)**

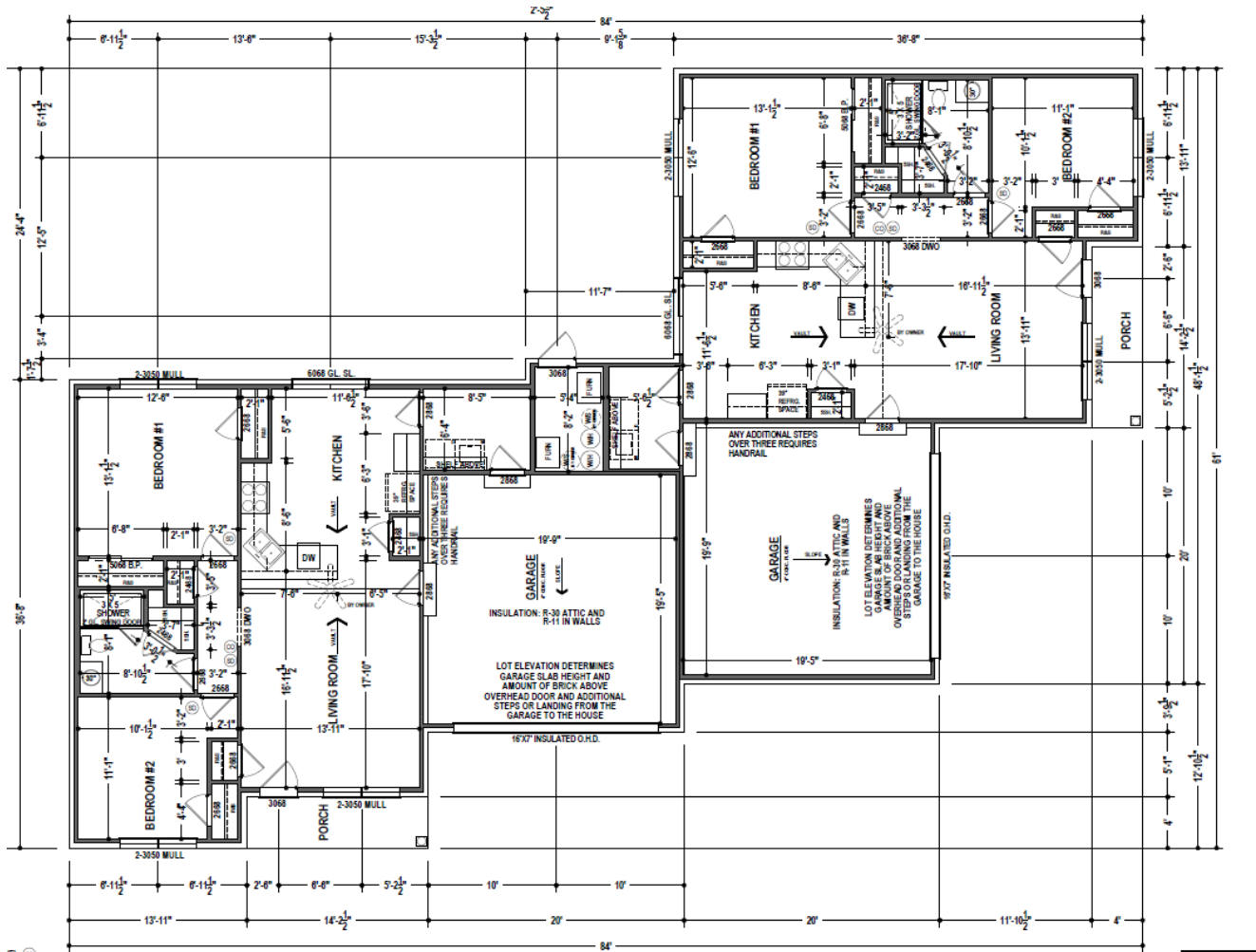


**2024DV2013 ; Side Elevation (north)**



**LEFT ELEVATION**

**2024DV2013 ; Floor Plan**







**2024DV2013 ; 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 design is consistent with overall use, character and design of surrounding properties, and the structure adheres to rigorous rules of the Consolidated City of Indianapolis and the municipal code.

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 of the building is for dwelling purposes; which is consistent with the surrounding buildings.  
The proposed design also follows the configuration of the existing neighborhood properties. A total of 80% of the adjacent properties (within one block) on Illinois St currently have driveway access from Illinois St, Gimber St and Bakemeyer St. In addition, the property at the opposing corner lot, currently has the same dual driveway access requested in this petition.

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

It will eliminate the open backyard designed for each unit, since the area will need to be used as a common driveway. This defeats the intent of creating isolation between the two units. This duplex property was designed considering the conveniences of building on a corner lot. Backyards, entryways, and driveways, were all designed to be separate from each other. The proposed design maximizes the available space while conforming to code requirements and city regulations.

**2024DV2013 ; Photographs**



Photo 1: Subject Site from West (Illinois Street)



Photo 2: Subject Site from North (Gimber Street)



**2024DV2013 ; Photographs (continued)**



Photo 3: View of Eastern Alley from Subject Site



Photo 4: View of Rear Accessory Structures Along Eastern Alley



**2024DV2013 ; Photographs (continued)**



Photo 5: Adjacent Property to the Northwest



Photo 6: Adjacent Property to the Northeast



**2024DV2013 ; Photographs (continued)**



Photo 7: Adjacent Property to West



Photo 8: Street Parking along Illinois Street (south of Subject Site)