

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 20, 2025

Case Number: 2025-CZN-846 / 2025-CVR-846

Property Address: 1940 Riviera Street

Location: Washington Township, Council District #2

Petitioner: Park Place Investments, LLC, by David and Justin Kingen

Current Zoning: D-A
Rezoning of 0.35-acre from the D-A district to the D-2 district to provide for residential development.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory structure with a four-foot east side yard setback (seven-foot setback required).

Current Land Use: Single-family dwelling / accessory building

Staff Recommendations: Approval of the rezoning and variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Staff recommends approval of both the rezoning request and the variance request, subject to the site plan, file dated October 9, 2025.

PETITION OVERVIEW

This 0.35-acre site, zoned D-A, is developed with a one-story single-family dwelling and accessory building. It is surrounded by single-family dwellings to the north, east, west and south across Riviera Street, all zoned D-A.

REZONING

The request would rezone the parcel to the D-2 district to provide for residential development. “The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two- family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”

The Comprehensive Plan recommends Suburban Neighborhood typology for the site.

Recommended land uses in this typology include detached housing; attached housing; multi-family housing; assisted living facilities/nursing home; group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; and community farms /gardens.

As proposed, this request would be consistent with the Plan recommendation of suburban neighborhood.

This neighborhood is zoned D-A, but the lots do not and cannot comply with the D-A development standards including a lot area of three acres and a lot width of 250 feet. Furthermore, the lots would not be able to be developed when applying required D-A setbacks. For example, the side setbacks are 30 feet, with an aggregate of 75 feet and the rear setback is 75 feet.

This lot is approximately 80 feet by 186 feet, which would be consistent with the D-2 district lot area and lot width and would allow for development of the lot that aligns with the existing neighborhood character.

For these reasons, staff supports this rezoning request.

VARIANCE OF DEVELOPMENT STANDARDS

This variance request would provide for the construction of an accessory structure with a four-foot (4) east side yard setback when a seven-foot (7) setback would be required. Admittedly, the requested rezoning provides relief from the development standards but given the surrounding land uses, staff believes a three-foot (3) side yard reduction would not negatively impact the adjoining neighbors. Furthermore, the proposed accessory structure would be located behind the dwelling to the east, further mitigating the impact of the reduced setback.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-family dwelling / accessory structure	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A	Single-family dwelling
South:	D-A	Single-family dwelling
East:	D-A	Single-family dwelling
West:	D-A	Single-family dwelling
Thoroughfare Plan		
Rivera Street	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 9, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	October 9, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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 (2) 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 – Suburban 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.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- 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.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- 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.
- 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 5 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.

Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership).

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

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)

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.



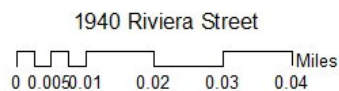
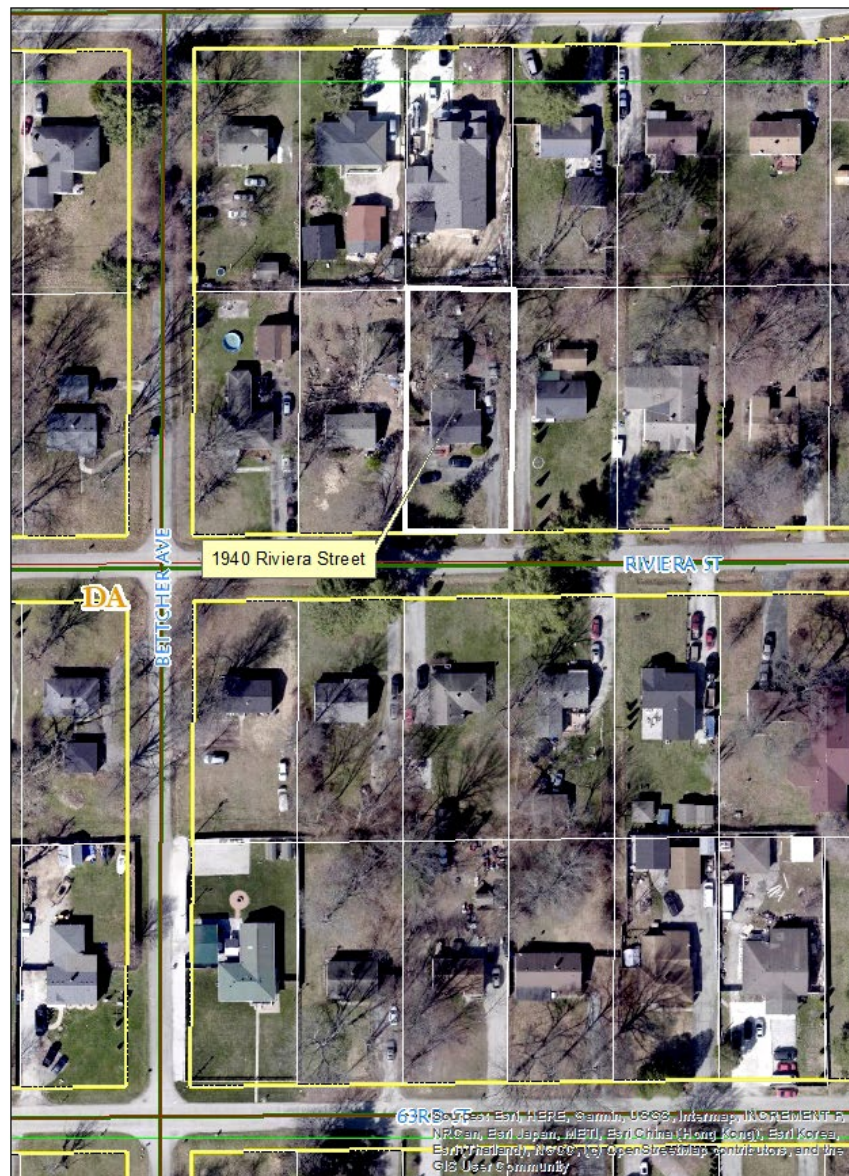
Department of Metropolitan Development
Division of Planning
Current Planning

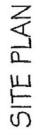
ZONING HISTORY

None.

EXHIBITS

Site Aerial







Department of Metropolitan Development
Division of Planning
Current Planning

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 accessory structure would contain a similar side-yard setback and, in numerous cases, a greater side-yard setback than other accessory structures in the immediate vicinity. The proposed accessory structure will be located on the subject site so that it aligns with the existing driveway that runs parallel to the eastern property line. In order to line up the proposed accessory structure with the existing driveway, a reduced side-yard setback is necessary.

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 property is consistent with the Marion County Land Use Plan Pattern Book. The value of the nearby residences will benefit from the demolition of the existing dilapidated accessory structure and the newly constructed accessory structure on the subject site, should this variance request be granted.

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

The proposed accessory structure will be located on the subject site so that it aligns with the existing driveway that runs parallel to the eastern property line. In order to line up the proposed accessory structure with the existing driveway, a reduced side-yard setback is necessary.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west along Riviera Street



View looking east along Riviera Street



View of site looking north across Riviera Street



View of site looking northwest across Riviera Street



View from site looking south