

BOARD OF ZONING APPEALS DIVISION II

June 9, 2026

Case Number:	2026-DV2-019
Property Address:	1244 West 26 th Street (<i>approximate address</i>)
Location:	Center Township, Council District #12
Petitioner:	Diane Robert LLC, by Andrew Wert
Current Zoning:	D-5 (TOD) (W-5)
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.4-foot corner side setback (8-foot setback required).
Current Land Use:	Residential
Staff Recommendations:	Staff recommends approval of the request.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for the petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the request.

PETITION OVERVIEW

1244 West 26th Street is a residential corner lot with a size of 4619 square feet and a width of 35 feet at the northeast corner of the intersection of 26th and White Avenue. Although platted in 1882, it does not appear that the site has been developed within the last 50 years per aerial photography. The property is located within the United Northwest neighborhood.

Approval of this petition would allow for construction of a single-family residence on the subject property. Most dimensional standards would be met per the site plan and elevations provided below; however, since the property is a corner lot within the Compact context area, a corner side yard setback of eight (8) feet would be applicable to the west. Plans show a 6.8-foot corner side setback, which would require a Variance of Development Standards to be granted.

The home shown within the elevations and sample photograph would be a modular home, but not a manufactured home as defined by the Ordinance (meaning no special exception would be required assuming IDHS permission and local permits were granted). The proposed plans also show that the residence would be placed outside of the required clear-sight triangular area. Additionally, on-street parking along 26th Street would meet the required parking minimum for the property, which is why no variance would be required to allow the lot to be developed without a parking pad or garage.



The property is zoned D-5 to allow for the development of medium- and large-lot housing formats, primarily for detached houses. It is also within a Transit-Oriented Development secondary district and a Wellhead Protection Area (although neither of those would have a direct impact on applicable development standards for residential development of the site). The United Northwest Neighborhood Plan recommends this property for development of 3.5-5 dwelling units per acre (which would align with the D-5 zoning of the property). Finally, Infill Housing Guidelines recommend that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes.

Findings of Fact provided by the applicant indicate that shifting the proposed residence to the east to comply with the corner side setback requirement to the west would result in the house violating the required 5-foot side setback to the east. Staff does not feel that the proposed residence would violate applicable Infill Housing Guidelines, and that the requested deviation would only be of 1.4 feet of required spacing. Staff recommends **approval** of the requested variance.

GENERAL INFORMATION

Existing Zoning	D-5 (TOD) (W-5)	
Existing Land Use	Residential	
Comprehensive Plan	Dwelling 3.5 – 5 Units Per Acre	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 North: Residential
	South:	D-5 South: Residential
	East:	D-5 East: Residential
	West:	D-5 West: Residential
Thoroughfare Plan		
26 th Street	Local Street	54-foot existing right-of-way and 48-foot proposed right-of-way
White Avenue	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	04/28/2026	
Site Plan (Amended)	N/A	
Elevations	04/28/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	04/28/2026	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends this site for Low Density Residential development. This would typically be 3.5 to 5 dwellings units per gross acre, intended for single-family dwellings.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that setbacks should reflect and reinforce spacing on the existing block while also allowing room for maintenance of homes.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

N/A

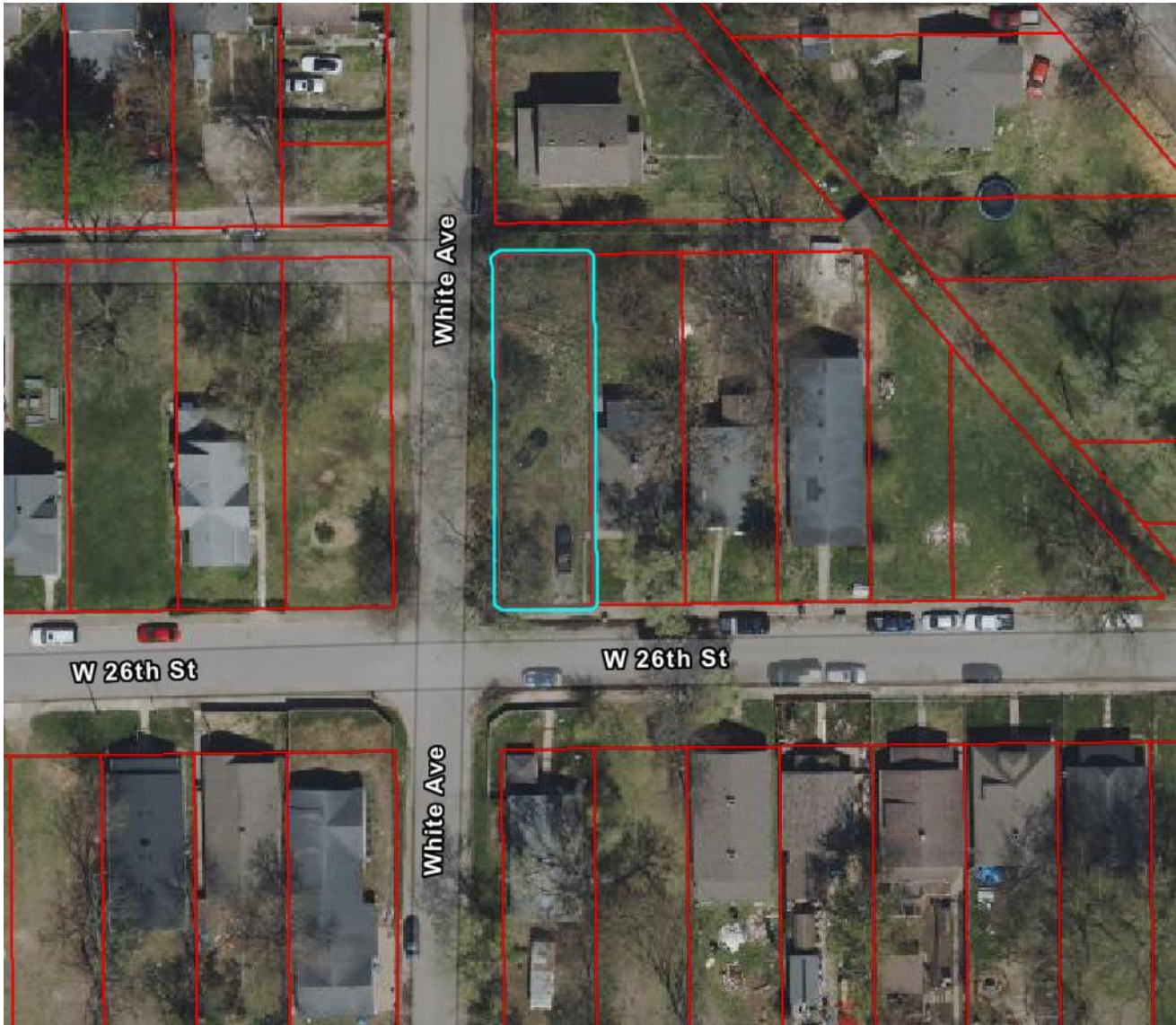
ZONING HISTORY – VICINITY

2023DV1035 ; 1310 West 26th Street (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and secondary dwelling unit, each with three-foot side yard setbacks (five-foot side yard setbacks required), **approved**.

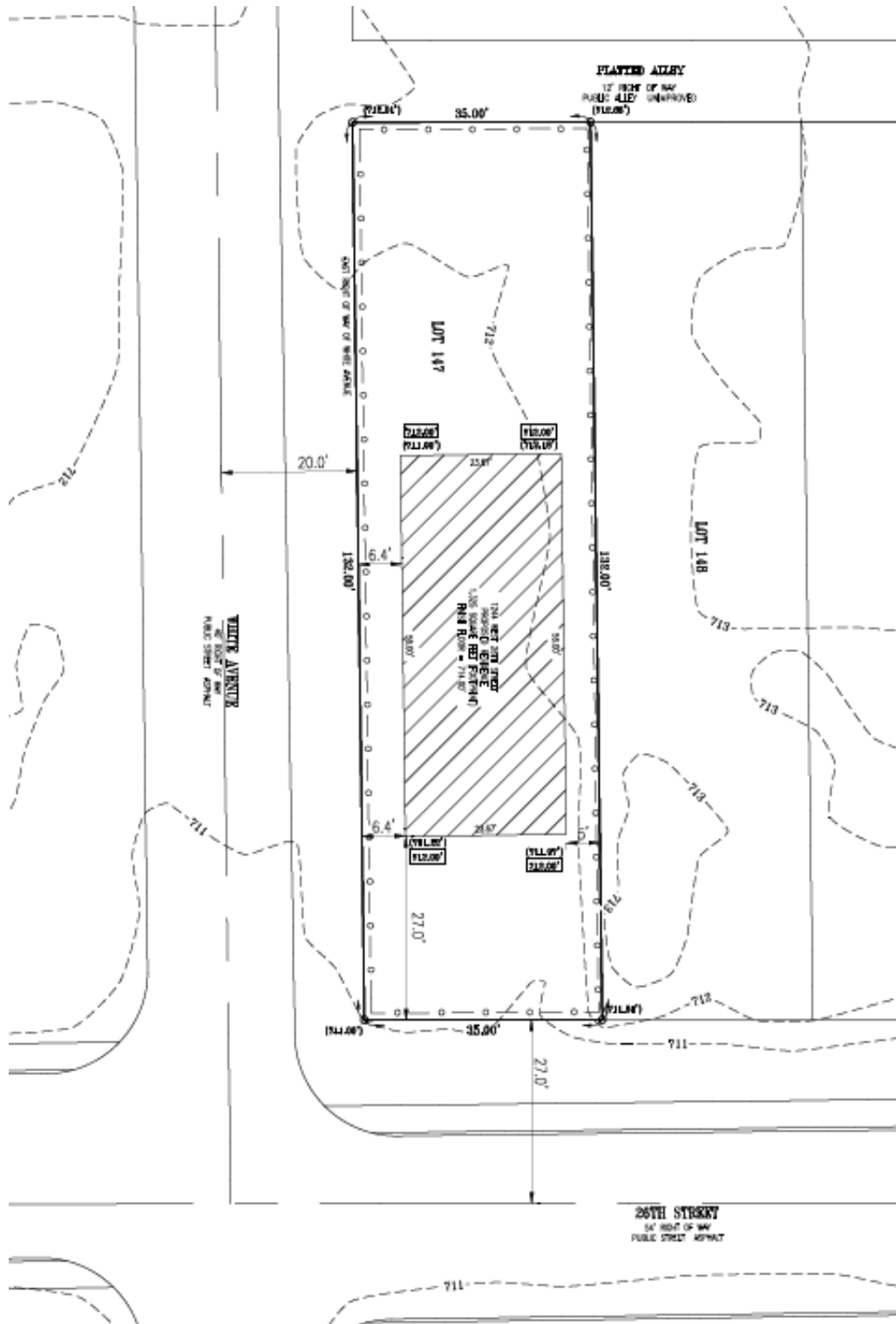
2012UV1019 ; 1234 West 26th Street (east of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a Men's Fellowship House including bible study, worship and meetings (not permitted), **approved**.

EXHIBITS

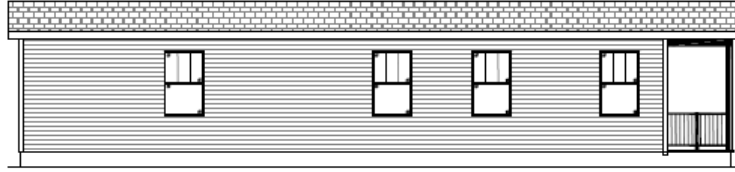
2026DV2019 ; Aerial Map



2026DV2019 ; Site Plan



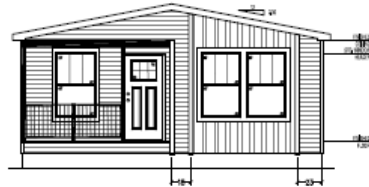
2026DV2019 ; Elevations



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

2026DV2019 ; Sample Photograph





2026DV2019 ; Project Narrative

The owner proposes to build a new single-family residence at the northeast corner of West 26th Street and White Avenue in the Near Northwest/Riverside area. The proposal is to construct a 1200 square foot residence by Clayton Homes out of Middlebury, Indiana. This is a modular (not manufactured) home. It will be placed on a permanent, cinder block, crawl space foundation. These units have been inspected and approved by the Indiana Department of Homeland Security. The in-house, assembly line construction renders these homes affordable.

A corner side setback variance is respectfully requested. This will be a setback reduction from White Avenue. The standard is 8 feet. A 6.4 feet setback is proposed. This is necessary in order to meet the side setback standard on the east side, adjacent to an existing home.

The proposed residence is visually appealing and will be compatible with the established neighborhood. The 16.8 inch setback encroachment will not be detrimental to the line of sight along White Avenue as there are other existing homes that are located closer to the street. We respectfully seek the Board’s approval of our request.

2026DV2019 ; 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 residence is a modular home inspected and approved by the Indiana Department of Homeland Security. It will be placed on a permanent, perimeter cinder block foundation. The setback variance will not result in line of sight issues for the motoring public.

- 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 residence is visually appealing and will be compatible with the established neighborhood. Clayton Homes is an established home builder based in Indiana. They provide homes that are affordable but also attractive.

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

This corner lot is only 35 feet in width and has not been modified since it was platted in 1882. The standards present today were created long after the lot was created. Meeting these standards would result in the construction of a visually inferior product.

2026DV2019 ; Photographs



Photo 1: Subject Residence Viewed from South



Photo 2: Subject Residence Viewed from West

2026DV2019 ; Photographs (continued)



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to Southeast

2026DV2019 ; Photographs (continued)



Photo 5: Adjacent Property to Southwest

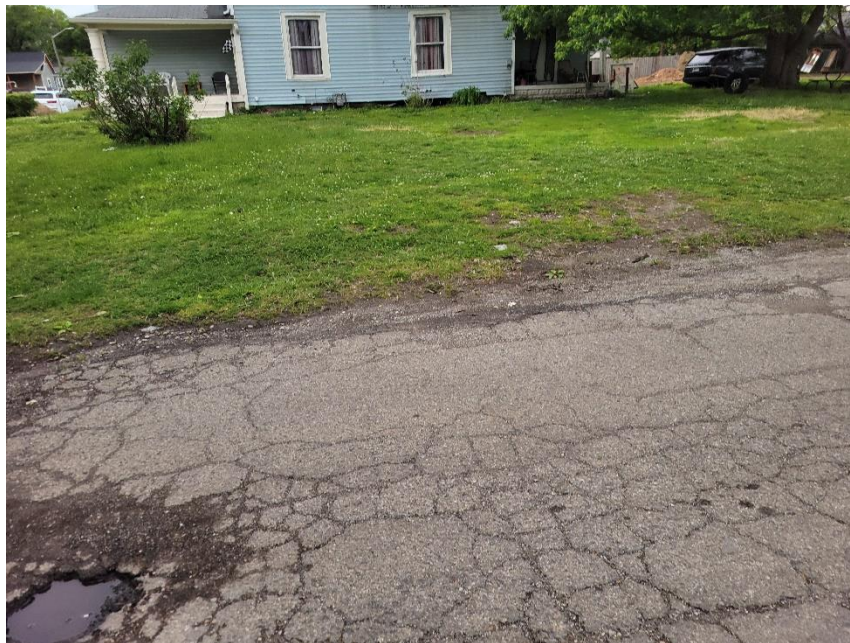


Photo 6: Adjacent Property to West