

**BOARD OF ZONING APPEALS DIVISION III**

**July 16, 2024**

**Case Number:** 2024-DV3-020

**Property Address:** 1825 Marlowe Avenue (approximate address)

**Location:** Center Township, Council District #13

**Petitioner:** Near East Area Renewal Inc., by Joe Smoker

**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required).

**Current Land Use:** Vacant

**Staff Recommendations:** Staff recommends approval of this petition

**Staff Reviewer:** Noah Stern, Senior Planner

**PETITION HISTORY**

- This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

- Staff recommends approval of this petition

**PETITION OVERVIEW**

- This petition would provide for the construction of a three-unit townhome, with a 5.5-foot rear yard setback (15 feet required), with each unit having a main floor area of 600 square feet (660 square feet required).
- The subject site is a three-parcel lot, with the parcel proposed for development being on the corner of Marlowe Avenue and Randolph Street. The front yard of this parcel is along Randolph Street, and is shorter in depth than the other parcels on Randolph Street. This is due to the existence of a small parcel to the rear that contains alley access. With the parcel proposed for development being shorter in depth than typically present on Randolph Street, there is a degree of practical difficulty for being able to meet rear yard setbacks. Further, with the proposal being in-compliance for all other setback standards as well as open space, Staff does not see this as over development of the parcel.
- With regards to the minimum floor area, Staff sees request as minor deviation from the 660 square feet standard, and finds it to be a reasonable request given the nature of the site. With townhomes

generally containing a vertical living layout, Staff does not see the slight reduction in main floor living area as injurious to public health or safety.

- Additionally, the proposal would be in line with the recommendations of the Infill Housing Guidelines for new housing including orienting the units towards the street, reinforcing the front setbacks on the block, and meeting open space standards. Further, Staff believes the proposal to advance two of the City’s livability principles, being to promote equitable and affordable housing options, and to enhance economic competitiveness through reliable and timely access to employment centers, in this case the East Washington Street corridor. For these reasons, Staff is unopposed to the requested variances.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-8	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	D-8	North: Single-family residential
South:	D-8	South: Single-family residential
East:	D-8	East: Two-family residential
West:	D-8	West: Single-family residential
<b>Thoroughfare Plan</b>		
Randolph Street	Local Street	60 feet of right-of-way existing and 48 feet proposed
Marlowe Avenue	Local Street	53 feet of right-of-way existing and 48 feet 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>	6/19/24	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	6/19/24	
<b>Findings of Fact (Amended)</b>	N/A	

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

#### **Pattern Book / Land Use Plan**

- The Marion County Land Use Plan pattern Book recommends the Traditional Neighborhood typology for this site.

#### **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**

- For new housing units, the Infill Housing Guidelines recommends:
  - Orient towards the street
  - Reinforce spacing on the block
  - Consider the size of surrounding houses
  - Avoid significant jumps in height

#### **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

**2023ZON008; 1717 E New York Street (west of site)**, Rezoning of 0.20 acre from the D-8 district to the C-3 district, **approved, subject to commitments.**

**2012ZON052; 143 N State Ave (west of site)**, Rezoning of 0.25 acre, from the D-8 classification to the C-S District to provide for office uses, a coffee shop, deli, bakery and restaurant use, with outdoor seating and 17 parking spaces, **approved.**

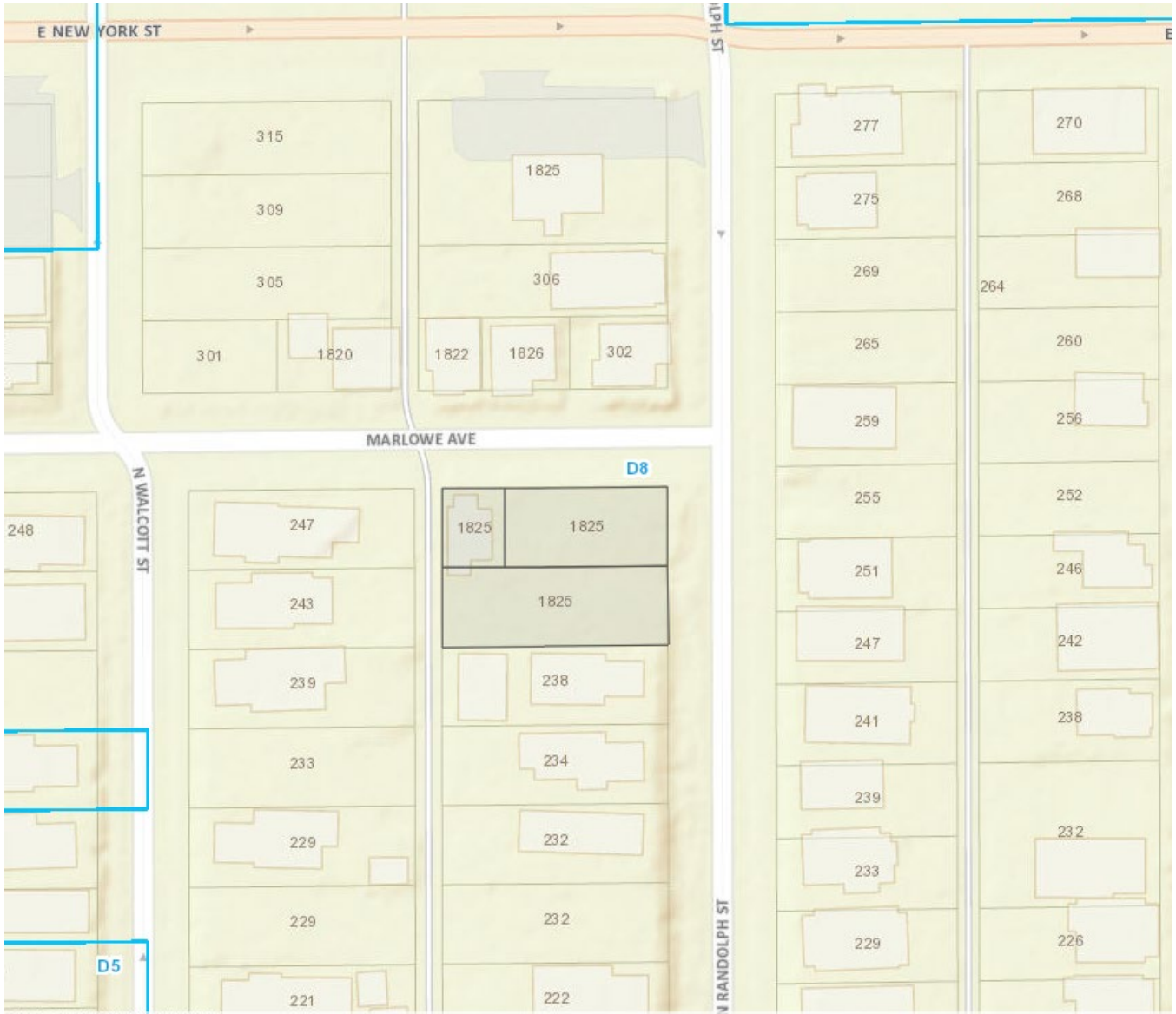
**2011ZON095; 1825 E New York Street (north of site)**, Rezoning of 0.26 acre, from the D-8 District, to the C-S classification to provide for an automobile repair shop, daycare center, offices and C-3C uses, **withdrawn.**

**2010ZON034; 1701 East New York Street (west of site)**, requested Rezoning of 0.22 acre from the C-3 district to the C-5 classification to provide for an automobile sales lot, **denied.**

**2003UV2011: 1825 East New York Street (north of site)**, requested Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an automobile repair shop (not permitted), with off-street parking and storage, **denied.**

**86-UV1-68; 1825 East New York Street (north of site)**, variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display and sales of automobiles, **granted for a temporary period of three years, expiring June 3, 1989.**

**EXHIBITS**



**WILLARD PLACE ADDITION**  
LOT #55, EXCEPT 35' W. END

PARCEL#1091977  
MARION COUNTY, INDIANA  
UNIT 1: 256 RANDOLPH STREET  
UNIT 2: 1831 MARLOWE AVENUE  
UNIT 3: 1829 MARLOWE AVENUE



NOTE:  
- DRIVE ENTRY TO CONFORM WITH STD. PLAN 101.21

- THE LOCATIONS, DIMENSIONS, AND WIDTH ALONG THE PROPOSED PUBLIC SIDEWALK WERE SCALED OR TAKEN FROM ENGINEERING CONSTRUCTION PLANS PREPARED BY OTHERS OR AS PROVIDED.

- VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION

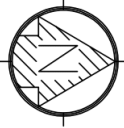
- IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FEATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLANS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

000.0 — PROPOSED GRADE  
000.0 — EXISTING GRADE

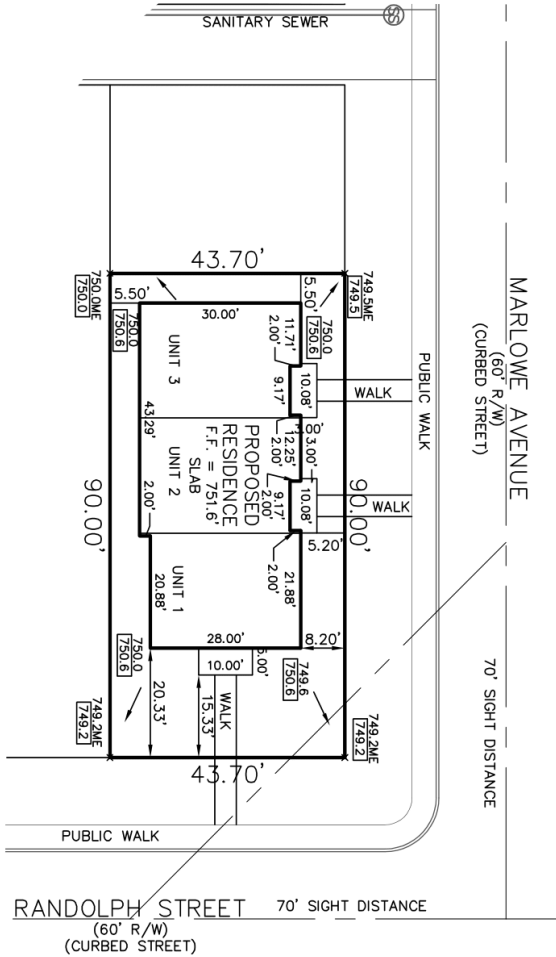
*T. A. T.*

IMPERVIOUS LOT COVERAGE	
HOUSE:	1,950± SQ.FT.
PATIO/STOOP:	0± SQ.FT.
SIDEWALKS:	103± SQ.FT.
PARKING PAD/DRIVE:	0± SQ.FT.
PORCH:	147± SQ.FT.
DECK/STAIRS:	0± SQ.FT.
TOTAL IMPERVIOUS AREA:	2,200± SQ.FT.
LOT AREA:	3,933± SQ.FT.

**PLOT PLAN**  
PREPARED FOR  
STEVE KELLER CONSTRUCTION



1" = 30'



**TRUE NORTH**  
POINTING YOU IN THE RIGHT DIRECTION™

LAND DEVELOPMENT CONSULTING & LAND SURVEYING SERVICES  
11690 Ohio Road, Suite#1000-289  
Fishers, Indiana 46037  
Phone: (317)-841-8734  
Fax: (317)-841-8762  
E-mail: Troy@Trueorthindy.com

DRWN: TAT  
JOB#: 24-372  
ZONING: D8 Small Lot  
Front: Terrace Frontage (10'-19.9')  
Side: 5' Min / 8' min. corner street side  
Rear: 20' (No rear setback on corner lot)

DATE: 03/29/24  
REV.:  
SCALE: 1" = 30'

F.F.E. HSE: 751.6'  
F.F.E. GAR: N.A.  
F.F.E. BSM'T: SLAB

ALL OF THE WITHIN DESCRIBED LAND LIES WITHIN THAT FLOOD HAZARD ZONE "X", AND DOES NOT LIE WITHIN A 100-YEAR SFHA, AS SAID LAND PLOTS BY SCALE ON COMMUNITY-PANEL# 18097C0163 OF THE FLOOD INSURANCE RATE MAPS (FIRM) FOR MARION COUNTY, INDIANA (MAPS DATED: APRIL 19, 2016).

SHEET 1 OF 2



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 requested variance is a minor deviation from the ordinance and the proposed use is a permitted use and will generally be consistent with the surrounding structures.

Blank lines for additional text in finding 1.

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 construction will continue to help stabilize and add value to the neighborhood. The proposed structure is consistent with adjacent structures and the use would be similar to adjacent properties.

Blank lines for additional text in finding 2.

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

Townhomes traditionally have smaller main floor areas as they represent a vertical style of living and development. The requested variance is a minor deviation from the ordinance and the total square footage of each unit will meet and exceed the variance requirement. Additionally, the existing lot is smaller than other lots in the neighborhood and is a corner lot resulting in difficulty meeting the setback requirements.

Blank lines for additional text in finding 3.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

Blank lines for signature and date.











