

BOARD OF ZONING APPEALS DIVISION II

March 12, 2024

Case Number: 2024-DV2-007
Property Address: 529 E 57th Street (approximate address)
Location: Washington Township, Council District #7
Petitioner: Craig & Donna Mallinckrodt, by John Cross
Current Zoning: D-3 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with an open space of 66.9 percent (70 percent open space required).
Current Land Use: Vacant
Staff Recommendations: Staff recommends approval of this petition
Staff Reviewer: Noah Stern, Associate 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 single-family dwelling with an open space of 66.9 percent (70 percent required).
- The open space requirement of 70 percent in D-3 districts is designed for lots that are at or above 10,000 square feet in area. The subject site contains a lot size of approximately 6,475 square feet, representing a reasonable practical difficulty for the petitioner. The site plan proposal will be meeting all other development standards, including building setbacks and building height. Given the practical difficulty of the deficient lot size, and that all other standards will be met, Staff is not opposed to the request for reduced open space on the site.

GENERAL INFORMATION

Existing Zoning	D-3 (TOD)		
Existing Land Use	Vacant		
Comprehensive Plan	Traditional Neighborhood		
Surrounding Context	<u>Zoning</u>	Surrounding Context	
	North:	D-3	North: Single-family residential
	South:	D-3	South: Single-family residential
	East:	D-3	East: Single-family residential
	West:	D-3	West: Single-family residential
Thoroughfare Plan			
East 57 th Street	Local Street	50-foot right-of-way existing and 48-foot proposed	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	Yes		
Wellfield Protection Area	No		
Site Plan	1/26/24		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	1/26/24		
Findings of Fact (Amended)	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- 2020 Red Line TOD Strategic Plan

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

- The subject site lies within ½ mile from the College Avenue and Kessler Boulevard transit station.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines recommends using the surrounding context for appropriate housing sizes for undersized lots.

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

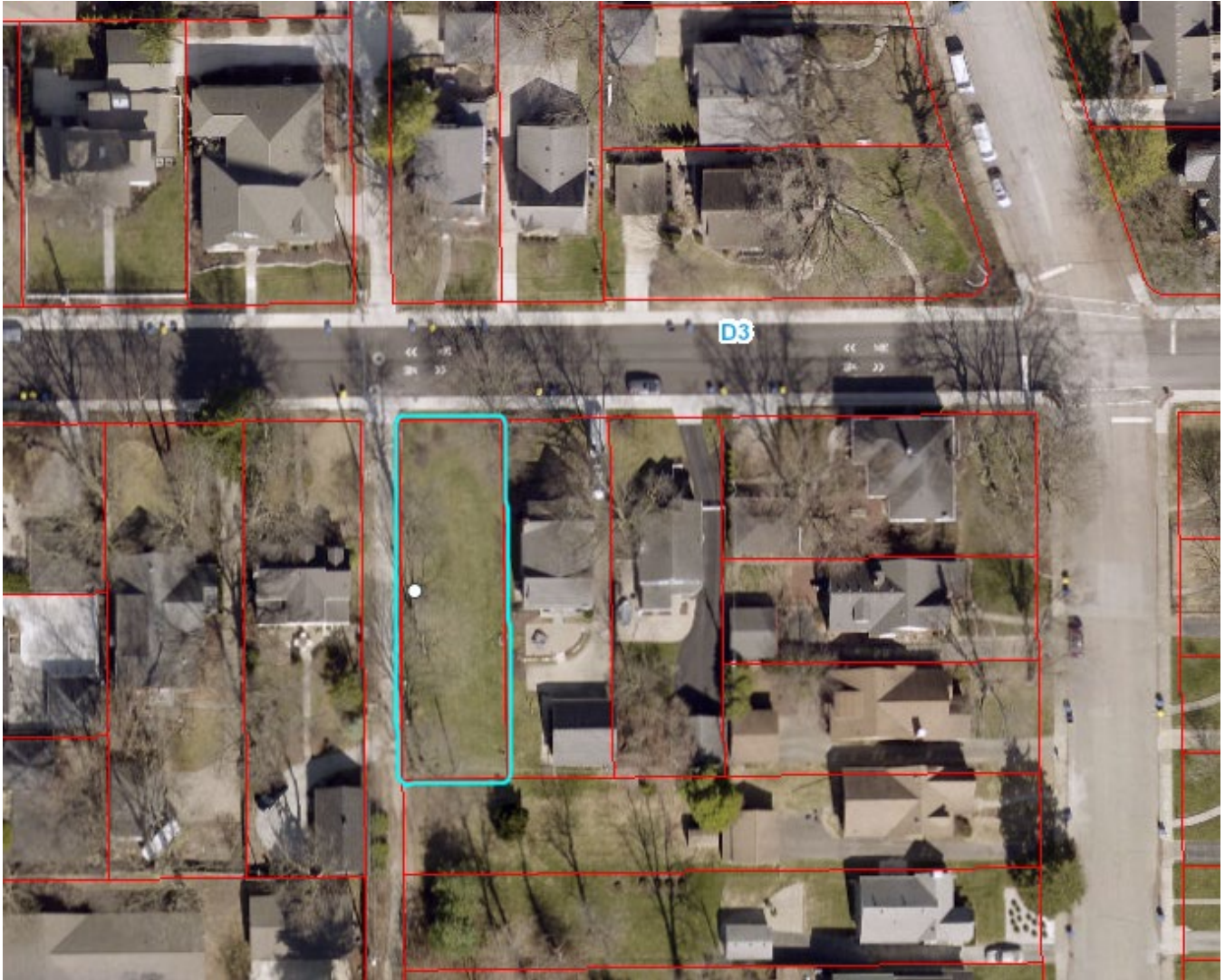
2020DV3036; 5695 N Meridian Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 43.5-foot to 53-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **denied**.

2015DV3059; 512 E 57th Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the reconfiguration of three lots, with one lot having access via an access easement from the north-south alley to the east (direct access to a public street required), with two lots having 8,400 square feet of lot area (10,000 square feet required), with two lots having a minimum open space of 45 percent (70 percent required), with two lots having aggregate side yards of 12 feet (16-foot aggregate required), and with three lots having minimum front setbacks of twenty feet (25 feet required). **approved**.

2014DV3045; 512 E 57th Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling and a detached garage on Lot 56, with three-foot south side setbacks and an eight-foot aggregate side setback and a single-family dwelling and a detached garage on Lot 57, with a three-foot north side setback and eight-foot aggregate side setback (minimum six-foot side setback and 16-foot aggregate side setback required). **approved**.

2006ZON016; 440 E 57th Street (west of site), rezoning of 0.823 acre from the D-2 district to the SU-2 classification to provide for the expansion of a school. Recorded instrument number 2006-0082666. Special use not envisioned by neighborhood plan, **approved**.

EXHIBITS





STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505
phone: 317.849.5935 fax: 317.849.5942

JOB ID OYL CM6018

CONTROL# 109557 DAV

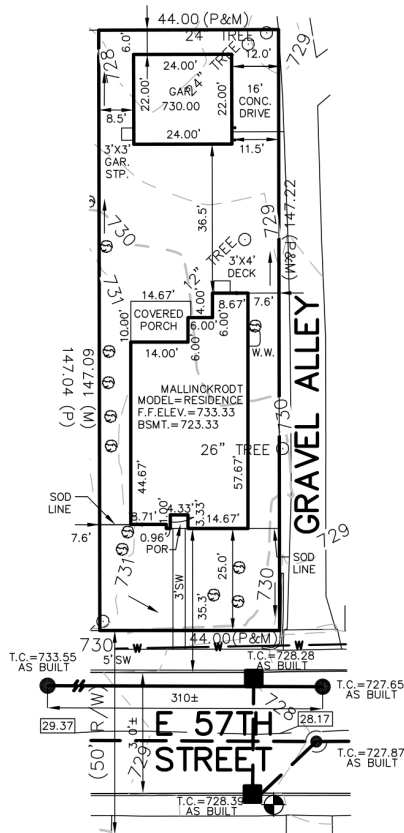
529 E 57TH STREET
INDIANAPOLIS, IN 46220



1" = 30'

LOT AREA: 6,475 Sq. Ft.

OPEN SPACE=67.2%



LEGEND:

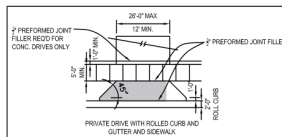
XX.X	PROPOSED GRADE PER PLAN
XX.XAB	AS BUILT GRADE
S.S.D.	SUB-SURFACE DRAIN
ASL	SANITARY SEWER
PSL	6" AS BUILT SANITARY LATERAL
	6" PROPOSED SANITARY LATERAL
W	STORM SEWER
W	3/4" WATER CONNECTION
W	WATER MAIN
o o o	SWALE
●	SANITARY MANHOLE
○	STORM MANHOLE
■	CURB INLET
⊕	FIRE HYDRANT
W.W.	WINDOW WELL
(M)	MEASURED
(P)	PLATTED

SOD:	1,230 ± Sq. Ft.
SEEDING:	3,044 ± Sq. Ft.
CONC. DRIVEWAY:	198 ± Sq. Ft.
PRIVATE WALK:	89 ± Sq. Ft.
PUBLIC WALK:	N/A ± Sq. Ft.

NOTE: UTILITY LATERALS TO BE VERIFIED IN THE FIELD.

BENCHMARK
TOP OF CASTING=728.39

ALL UNDERGROUND SEWERS AND UTILITIES SHOWN WERE FIELD COLLECTED AT TIME OF TOPOGRAPHIC AND BOUNDARY SURVEY.



RESIDENTIAL DRIVEWAY DETAIL
RESIDENTIAL DRIVEWAYS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARD PLAN 16-01 OF THE DEPARTMENT OF PUBLIC WORKS FOR STREET AND BRIDGE DESIGN & CONSTRUCTION

LOT 4
STEINMETZ AND
FLEMING JR.
RE-SUB AMENDED
P.B. #24, Page #367
ZONING: D-3
4' MINIMUM SIDE YARD
8' MINIMUM AGGREGATE
20' MINIMUM FRONT YARD
20' MINIMUM REAR YARD
70% MINIMUM OPEN SPACE

THIS PLOT PLAN WAS PREPARED FROM A BOUNDARY RETRACEMENT SURVEY DONE BY STOEPPELWERTH & ASSOCIATES ON DECEMBER 14TH, 2023.



David J. Stoepfelwerth

NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY AND NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT SURVEY, ORIGINAL SURVEY, ROUTE SURVEY, LOT SURVEY OR A SURVEYOR LOCATION REPORT OR ANY OTHER TYPE OF PROPERTY BOUNDARY ASSESSMENT. NO BOUNDARY CORNERS HAVE BEEN SET AND THEREFORE NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS INCLUDING FENCES.

01/04/24 JOB





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 lot size is 6,534 sq. ft. which is less than 10,000 sq. ft. minimum for single-family. The proposed development is similar to development in the area and would not impose a negative impact upon the community. The variance is a minimal deviation and given the substandard lot size there will be no negative impact to the area.

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 lot size is 6,534 sq. ft. which is less than 10,000 sq. ft. minimum for single-family. The proposed development is similar to development in the area and would not impose a negative impact upon the community. The variance is a minimal deviation and given the substandard lot size there will be no negative impact to the area. The improvements will not cause a nuisance to the area. Allowing a slightly larger development will increase the property value of the subject site and nearby properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
The lot size is substandard for the D3 zoning district. In order to develop similarly to nearby properties a variance for minimum open space is required.

DECISION

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

Adopted this _____ day of _____, 20 ____



