

BOARD OF ZONING APPEALS DIVISION III

June 16, 2026

Case Number: 2026-DV3-023
Hk5
Location: 2147, 2151 and 2155 North Illinois Street (approximate address)
Center Township, Council District #12
Zoning: D-8 (RC) (TOD) (WF-5)
Petitioner: Near North Development Corp., by Phil Votaw
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of three duplex structures, each with a lot width of 40-45 feet, (60-foot lot width required), and with the 2147 duplex encroaching within the clear sight triangle of abutting streets (not permitted).

Current Land Use: Undeveloped.

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance states that a D-8 zoned parcel with a duplex dwelling is required to have a minimum lot width of 60 feet.
- ◇ The reduced lot widths provide for redevelopment of this urban site for housing within proximity of two transit lines. Staff believes these reductions would have minimal negative impact on surrounding land uses, while providing supportive housing for development within the transit corridor.
- ◇ The traffic engineer of the Department of Public Works has indicated that the proposed 2147 North Illinois Avenue duplex dwelling would not significantly encroach into or negatively impact the clear sight triangle. Staff, therefore, supports the encroachment into the clear site triangle.
- ◇ Generally, staff supports legally establishing property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. In Staff's review, this particular variance request would not negatively impact adjoining residential areas by causing nuisances and complies with the Infill Housing Guidelines.

Regional Center (RC)

The site is located within the Regional Center Secondary District. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the Regional Center Urban Design Guidelines. The design of the proposed project would be subject to a public review before the Regional Center Hearing Examiner.

Wellfield Protection Secondary Zoning (WF-5)

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises, or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Undeveloped	
Comprehensive Plan	Medium Density Mixed Use.	
Surrounding Context	Zoning	Surrounding Context
	North: D-8	Multifamily residential
	South: C-S	Self Storage Facility
	East: C-3	Vacant land / parking lot
	West: C-4	Office uses
Thoroughfare Plan		
Illinois Street	Primary Arterial	70-foot existing right-of-way, and 78-foot proposed right-of-way.
Context Area	Compact area	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	Yes – White River W-5	
Site Plan	April 7, 2026	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	April 7, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- Not applicable to this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
 - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.

- Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
- Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
- Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

Neighborhood / Area Specific Plan

- Medium Density Mixed Use.

Infill Housing Guidelines

- The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
 - Front Setbacks
 - Site Configuration
 - Building Orientation
 - Building Spacing
 - Open Space
 - Trees, Landscaping, and the Outdoors Aesthetic Considerations

 - Building Massing
 - Building Height
 - Building Elevations and Architectural Elements Additional Topics

 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

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

ZONING HISTORY

2024-CZN-837/21024-CVR-837; 2163 and 2173 North Illinois Street, requested rezoning of 1.2 acres from the MU-2 (RC) (TOD) (W-5) district to the D-8 (RC) (TOD) (W-5), and a Variance of Development to provide for a townhome development, consisting of 20 dwelling units, with a six-foot corner side yard setback at the intersection of 22nd Street and Illinois Street, a four-foot rear yard setback, a three-foot side yard setback, 800-square-foot Row House – Small Lot size, livability space ratio of 0.16, and encroachment into the clear sight triangle, **granted**.

2019-CZN-820 / 2019-CVR-820; 2163 and 2179 North Illinois Street, requested rezoning of 1.19 acres from the C-4 (RC) (W-5) district to the MU-2 (RC) district and variances of development standards to provide for mixed-use buildings up to 55-feet tall, with commercial space and multi-family dwellings and with parking, without interior landscaping and with a zero-foot setback along McLean Place in front of the building, **approved and granted**.

2019-ZON-046; 17 West 22nd Street and 2176 North Illinois Street (adjacent to the east), requested a rezoning of 0.731-acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) district, **approved**.

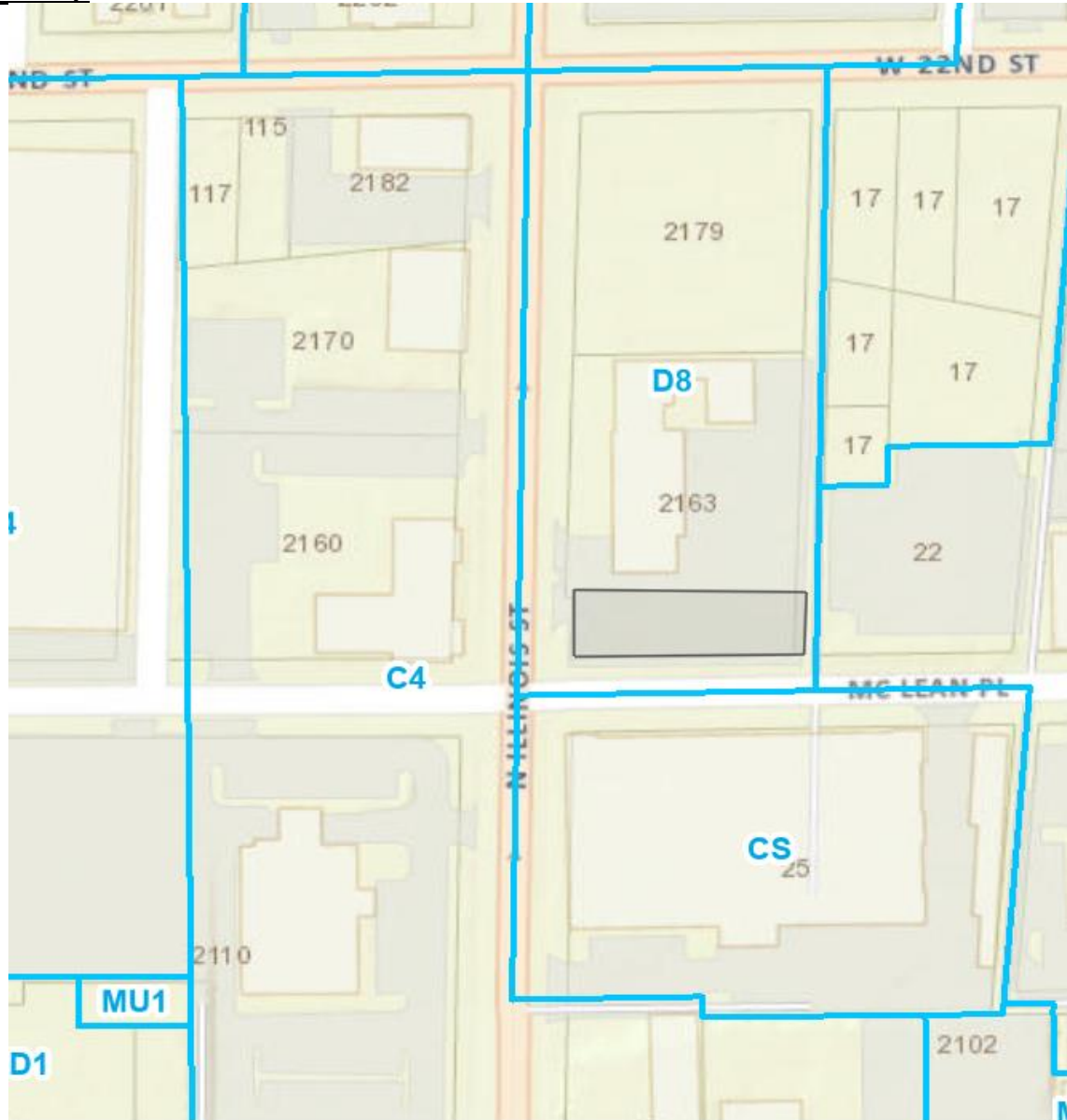
2018-ZON-111; 2102 North Meridian Street, requested a rezoning of 0.71 acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, **approved**.

2016-CZN-842 / 2016-CVR-842; 25 McLean Place, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District, to the C-S (RC) (W-5) classification to provide for a self-storage facility, MU-1 and MU-2 uses, with use exceptions and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street and with building encroachments into the clear sight triangles of the abutting streets and alleys, **approved and granted**.

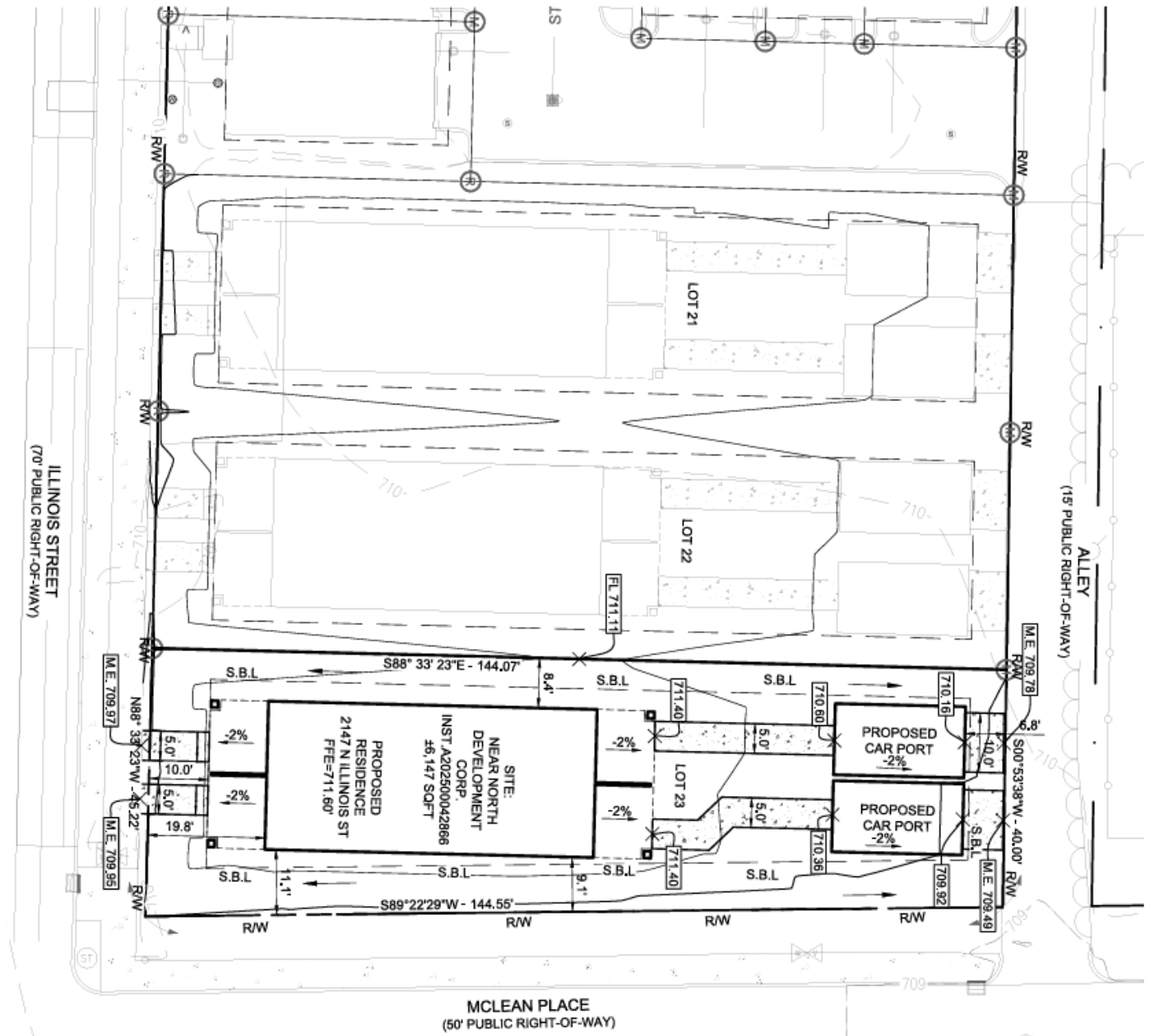
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EXHIBITS

Location Map



Site Plan





Findings of Fact

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:

Use of the property as a duplex with single-family ownership on each side is consistent with that of surrounding properties, which are a mix of single-family, doubles, and multi-family dwellings within a block to the west and two blocks to the east. Historic photos and Baist maps indicate the area was a mix of commercial and residential uses in the early 20th Century. While the north south corridors of Illinois and Meridian became predominantly commercial through the middle and late 20th century, Meridian Highland neighborhood has steadily become more residential in the 21st century, including Illinois St. Public health, safety, morals, and general welfare of the community would be greatly improved by homeownership on this currently vacant lot due to pride of ownership, nw resident participation in neighborhood association / crime watch activities, and returning the parcel to the property tax roll.

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:

Existing businesses, particularly retail will be positively impacted by new homeownership in the vicinity. The units will complement existing housing in the area and may raise surrounding property values over that of a vacant lot. There are only six units, so it should not cause area property taxes to skyrocket because of the development. The reduction in lot size will not negatively impact the surrounding area. The granting of the variance will allow for the redevelopment of a brownfields lot into an urban residential area that will bridge single-family housing, multi-family housing, and commercial district areas with mid-level housing options (i.e., duplexes.)

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

The number of units that can be built will be significantly reduced, generating a cash flow issue for the project. These units have been designed to complement other urban developments and the adjacent development. Strict implementation of the zoning would create inconsistency with surrounding area development or significantly reduce the available square footage within the units, dropping their value and/or number of bedrooms. The development's pro forma and funding agreements are set for three buildings (six units) to be developed on this site. It would be a hardship to adjust the project down to four units because of the time factor involved in changing a planned development already approved by Regional Center. The subsidies available for this project are subject to a shorter time horizon of development than would be available if the project were forced into another set of reviews. The project, as currently approved, supports the goal of creating a well-integrated residential community that leverages green space design methodologies for improved quality of life, aligning with the broader zoning objectives.

Photographs



Subject site, looking east.



Adjacent vacant lot under development, to the north, looking east.



Adjacent office commercial use to the west.



Adjacent self storage to the south, looking southeast.