

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-CZN-863 / 2023-CAP-863 / 2023-CVR-863 (Amended) / 2023-CPL-863  
**Address:** 1228, 1232, 1302 and 1306 East 10<sup>th</sup> Street (*Approximate Addresses*)  
**Location:** Center Township, Council District #17  
**Petitioner:** Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams  
**Requests:** Rezoning of 0.41 acres from the MU-1 and D-8 districts to the D-8 district.  
Termination of Commitments related to 2019-CZN/CVR-821 to provide for a new two-family dwelling development (previous commitments required four-foot side setbacks for single-family detached dwellings).  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for front yard setbacks of nine feet (setback range of 10-19.9 feet required); side yard setbacks of 2.2 feet for a six-unit, two-family dwelling development (five-foot side yard required); minimum lot width of 48.34 feet (60 feet required); lot area of 5,558 square feet (minimum 7,200 square feet required); and 44% open space (60% open space required).  
  
Approval of a Subdivision Plat to be known as Windsor on 10<sup>th</sup>, dividing 0.41 acres into three duplex lots (six units).

The Hearing Examiner continued these petitions from the December 14, 2023 hearing, to the December 28, 2023 hearing, to amend the petition and provide new notice.

### RECOMMENDATIONS

Staff **recommends approval** of the rezoning, termination of the 2019 commitments and variances of development standards.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated November 14, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

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7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

- ◇ This 0.41-acre site, zoned MU-1 and D-8 is vacant land and surrounded by vacant land and single-family dwellings to the north, zoned MU-1 and D-8, respectively; vacant commercial uses and single-family dwellings to the south across East 10th Street, zoned MU-1 and D-8, respectively; single-family dwellings to the east and west, zoned MU-1.
- ◇ Petitions 2021-CZN 821 / 2021-CVR-821 rezoned the three eastern parcels from the MU-1 District to the D-8 classification with a variance of development standards to provide for three single-family dwellings and detached garages with reduced setbacks and open space. The western parcel, addressed at 1228 East 10th Street was not included in the petition.

**REZONING**

- ◇ This request would rezone the site from the MU-1 District to the D-8 classification. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”
- ◇ The Comprehensive Plan recommends traditional neighborhood. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.”

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## **STAFF REPORT 2023-CZN-863 / 2023-CAP-863 / 2023-CVR-863 / 2023-CPL-863 (Continued)**

- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

### *Conditions for All Land Use Types*

- 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.
- 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.
- 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.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- 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 15 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.

### *Attached Housing*

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

## **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.”

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## **STAFF REPORT 2023-CZN-863 / 2023-CAP-863 / 2023-CVR-863 / 2023-CPL-863 (Continued)**

- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

### Site Configuration

- Front Setbacks
- 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.”

## **MODIFICATION**

- ◇ This request would terminate commitments related to 2019-CZN-821 / 2019-CVR-821 that provided for single-family dwellings with reduced setbacks.
- ◇ Because the proposed request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood, staff believes support of the request would be appropriate. Furthermore, the density of 14.6 would be within the recommended density range for this typology.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for provide for front yard setbacks of nine feet when the Ordinance requires a setback range of 10-19.9 feet required.
- ◇ Staff believes that 1.0-foot reduction would be a minor deviation that would be supportable given the permitted range in front setbacks and the existing setbacks along this residential corridor.
- ◇ The amended site plan provides for side yard setbacks of four feet. The Ordinance requires a five-foot side yard setback.

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- ◇ The reduced side yard setbacks would be compatible with the character and development of the area in a historic sense as well as current and ongoing renewal efforts in this area. Staff, therefore, supports this variance.
- ◇ The request would also provide for a minimum lot width of 48.34 feet and lot area of 5,558 square feet. The Ordinance requires a 60-foot width and a minimum 7,200 square-foot lot area.
- ◇ The proposed reduction in the lot width and lot area would not negatively impact the surrounding residential development because many of the lots in the area were platted in the late 1800's and are deficient based upon the current development standards. Consequently, this request would be supportable and compatible with the neighborhood.
- ◇ Finally, the request would allow for a reduction of open space from the required 60% to 44% open space. When lot width and lot area are reduced, open space reduction typically follows to meet the needs of current residential development environment. Additionally, the reduction of open space would not negatively impact the surrounding land uses.

### **PLAT (Windsor on 10th)**

- ◇ As proposed, the plat would reconfigure the existing four parcels into six lots ranging from 24.17 to 53.5 feet in lot width to provide for three duplexes. Variances for lot width and lot area have been requested.
- ◇ The plat would not provide for any new streets. The proposed structures would front on East 10th Street, with vehicular access to the lots from the first east-west alley north of East 10th Street (Alley 1050 North).

### **Planning Analysis**

- ◇ This neighborhood is primarily comprised of duplexes and single-family dwellings, but these uses are not permitted in the MU-1 District. Research indicates the MU-1 (formerly C-2) District existed prior to 1977, despite the site being platted in 1885 for residential development. Staff would note that a number of rezonings from the MU-1 District to the D-8 classification have been approved in recent years.
- ◇ The request would be consistent with Comprehensive Plan recommendation of traditional neighborhood. Furthermore, staff would note that historical maps indicate that the site was initially developed with a single-family dwelling and duplexes that were subsequently demolished through the years until 2019, at which time the site was cleared of all structures. Redevelopment of the site with three duplexes would be compatible with the neighborhood.
- ◇ For these reasons, staff is recommending approval of the rezoning request.
- ◇ As development on this site occurs, recommendations of the Infill Housing Guidelines should be considered to assure the proposed dwellings will be architecturally compatible and harmonious with the surrounding land uses and neighborhood character to mitigate negative impacts on surrounding residential development.

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**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

D-8 / MU-1 Vacant land

SURROUNDING ZONING AND LAND USE

North -	D-8	Single-family dwelling
South -	D-8	Single-family dwelling
East -	D-8	Single-family dwelling
West -	D-8	Vacant land

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology. Marion County Land Use Pattern Book (2019). Infill Housing Guidelines (2021)

THOROUGHFARE PLAN This portion of East 10<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 66-foot right-of-way.

CONTEXT AREA This site is located within the compact context area.

OVERLAY This site is located within the unregulated 500-year floodplain.

SITE PLAN File-dated November 11, 2023

SITE PLAN (AMENDED) File-dated December 4, 2023

PLAT File-dated November 11, 2023

PLAT (AMENDED) File-dated December 4, 2023

FINDINGS OF FACT File-dated November 11, 2023

**ZONING HISTORY**

**2019-CZN-821 / 2019-CVR-821; 1232, 1302 and 1306 East 10<sup>th</sup> Street**, requested rezoning of 0.27 acre from the MU-1 district to the D-8 district a variances of development standards to provide for three single-family dwellings and detached garages with five-foot front setbacks, three-foot side setbacks, four and six feet between dwellings and 45% open space, **approved and granted**.

**VICINITY**

**2019-CZN-801 / 2019-CVR-801; 1436, 1440 and 1442 East 10<sup>th</sup> Street (east of site)**, requested rezoning of 0.27 acre from the MU-1 district to the D-8 district to provide for the construction of three single-family dwellings, with detached garages and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 3.5-foot separation between the western proposed dwelling and the dwelling to the west, **approved and granted**.

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**STAFF REPORT 2023-CZN-863 / 2023-CAP-863 / 2023-CVR-863 / 2023-CPL-863 (Continued)**

**2019-ZON-006; 1227 East 10<sup>th</sup> Street (south of site)**, requested rezoning of 0.149 acre from the MU-1 district to the D-8 classification, **approved**.

**2017-CZN-801 / 2017-CVR-801; 1313, 1325 and 1409 East 11<sup>th</sup> Street (east of site)**, requested rezoning of 0.23 acre from the MU-1 district to the D-8 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot separation between primary dwellings and a 0.5-foot setback for an exterior stairway attached to the detached garage, **approved and granted**.

**2016-ZON-011; 1329 and 1401 East 11<sup>th</sup> Street (east of site)**, requested rezoning of 0.42 acre, from the C-2 (FF) District, to the D-8 (FF) classification, **approved**.

**2016-ZON-004; 1322, 1326, 1330, 1402 and 1406 East 10<sup>th</sup> Street (south of site)**, requested rezoning of 0.42 acre, from the C-2 (FF) District, to the D-8 (FF) classification, **approved**.

**2011-CAP-833 / 2011-CVR-933; 1500 East Michigan Street (south of site)**, requested a modification of the development statement related to 2010-ZON-099 to modify the requirement that all signs be compliant with the Sign Regulations and a variance of development standard of the Sign Regulations to provide for a four-foot tall freestanding sign with reduced setbacks and an eleven-foot tall freestanding sign exceeding the required height and with reduced separation from a protected district, **approved**.

**2011-UV2-002; 1414 East 10<sup>th</sup> Street (east of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a single-family detached dwelling, with reduced setbacks, **granted**.

**2010-ZON-099; 1401 East 10<sup>th</sup> Street (south of site)**, requested rezoning of 3.433 acres from the SU-2 classification to the C-S classification to provide for fire department headquarters, SU-9 uses, SU-7 uses, educational uses, C-1 uses, and commercial service and retail, **approved**.

**2004-HOV-016; 1434 East 10<sup>th</sup> Street (east of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family dwelling, with reduced setbacks, **granted**.

**2002-HOV-036; 1402 East 10<sup>th</sup> Street (south of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family and detached garage and provide for an addition to the dwelling, **granted**.

**2002-UV2-019; 1323 East 10<sup>th</sup> Street (south of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family dwelling and provide for the construction of a detached garage with reduced setbacks, **granted**.

**92-Z-138 / 92 / 92-CV-18; 1125 Brookside Avenue (north of site)**, requested rezoning of 16.7 acres from the I-4-U, PK-1, C-2, and D-8 Districts to the C-S classification to provide for a multi-use commercial facility (including manufacturing, receiving, storage, distribution and office uses) and a variance of development standards to permit the use of the existing buildings without the required yards and parking, **approved / granted**.

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**STAFF REPORT 2023-CZN-863 / 2023-CAP-863 / 2023-CVR-863 / 2023-CPL-863 (Continued)**

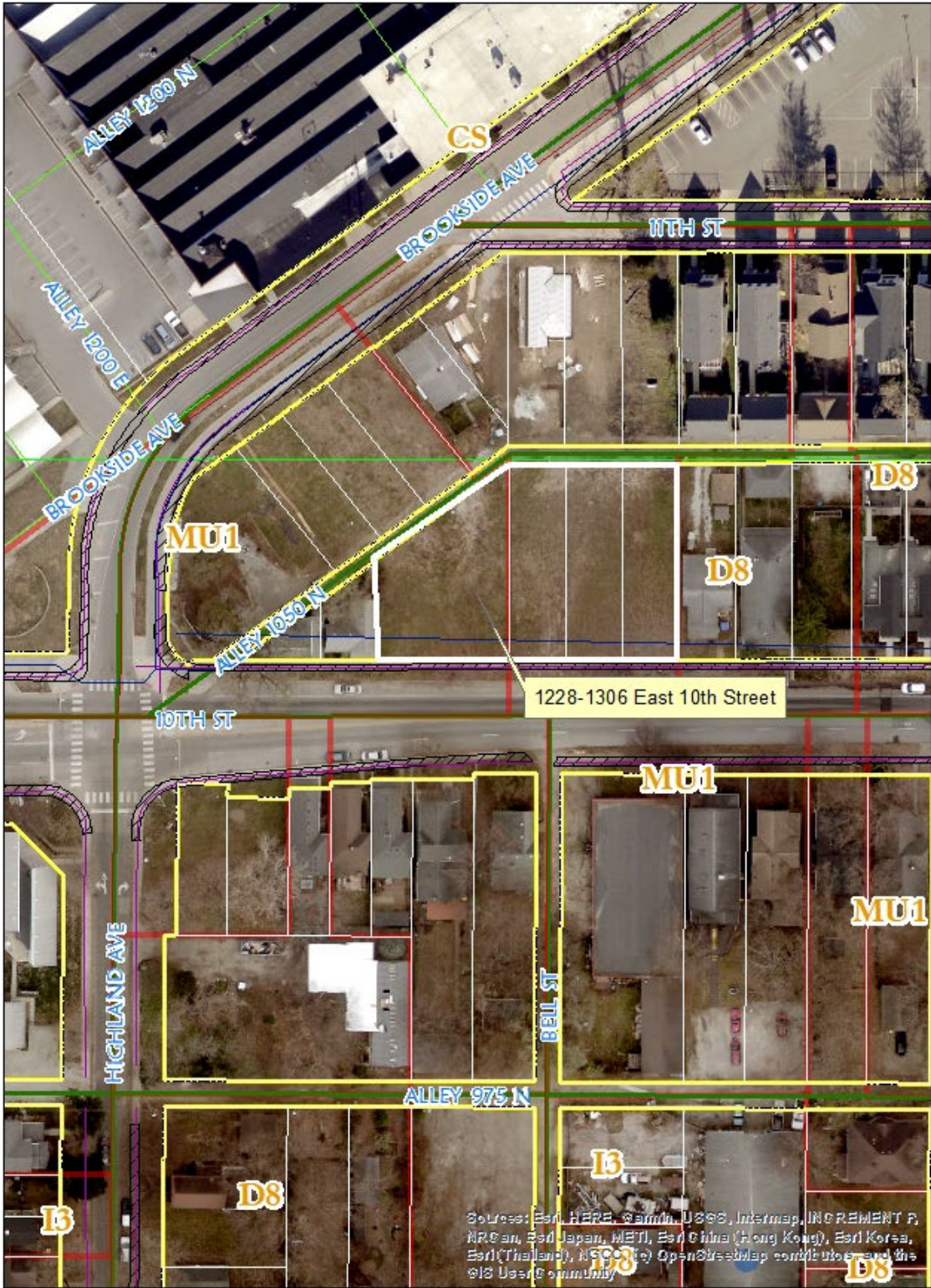
**99-NC-4; 1414 East 10<sup>th</sup> Street (east of site)**, requested a certificate of legal non-conforming use to permit a single-family dwelling in a C-2 District, **granted**.

**91-UV1-84; 1333 East 10<sup>th</sup> Street (south of site)**, requested a variance of use of the Commercial Zoning Ordinance to permits an addition to an existing single-family dwelling, **granted**.

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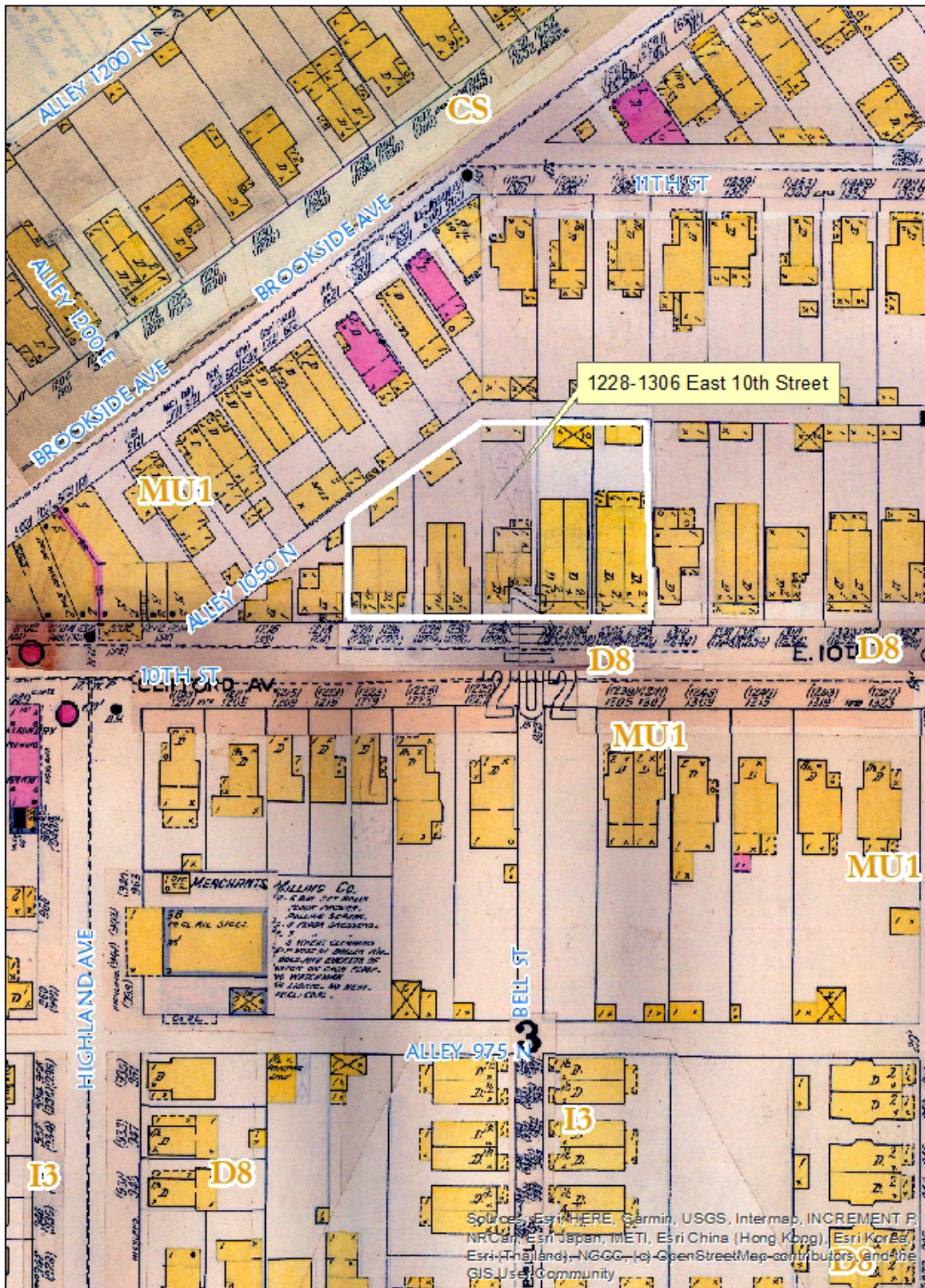


1228-1306 East 10th Street

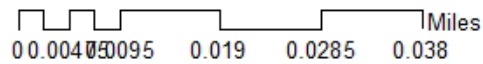




Sanborn 1898



1228-1306 East 10th Street



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 setbacks and will not affect any traveled way or adjacent properties or cause any harm to the public health, safety, morals and general welfare. This is an urban setting and the design is compacible with surrounding recent development.

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 adjacent property will not be negatively impacted, because the proposed development meets the average front setbacks of other structures on the block. The garages are alley access which also conforms with the neighborhood. The proposed reinvestment will be a positive economic investment to the area.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan. In order to promote new duplexes development, some relaxation of standards relating to lot improvements are required. The petitioner is trying to introduce a positive reinvestment into the area, commiserate with area development, while providing a safe, attractive addition for housing.

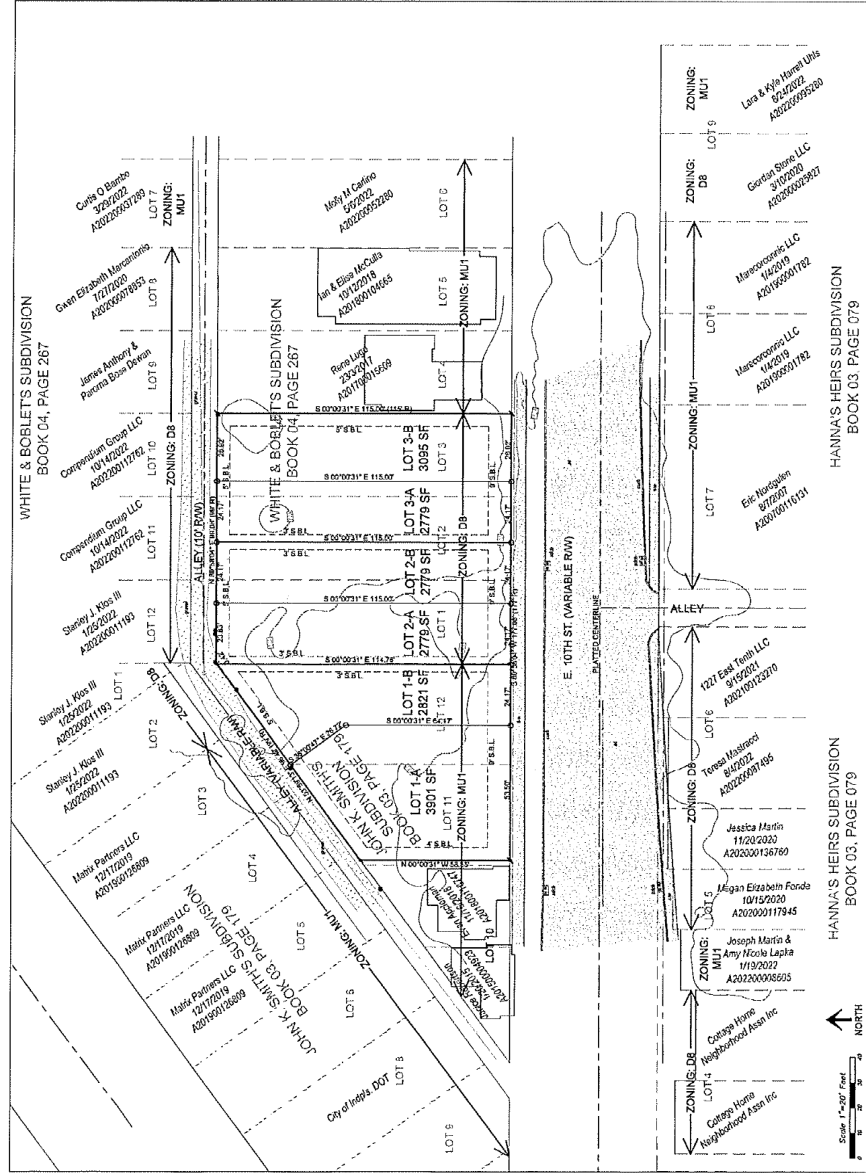
DECISION

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

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

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\_\_\_\_\_  
\_\_\_\_\_

**WINDSOR ON 10TH  
PRELIMINARY PLAT**









View looking west along East 10th Street



View looking east along East 10th Street





View of site looking north across East 10th Street



View of site looking northwest across East 10th Street





View of site looking northeast across East 10th Street



View of site looking south from east / west alley along the northern boundary





View of site looking south from east / west alley along the northern boundary



View of site looking southwest from east / west alley along the northern boundary





View looking west at adjacent residential development to the south across East 10th Street