

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-867 / 2023-CVR-867 (Amended)
Address: 2233 Dr Martin Luther King Jr Street (*Approximate Addresses*)
Location: Center Township, Council District #11 (#12 Beginning 2024)
Petitioner: Days Property Group, LLC, by Sarah Walters
Request: Rezoning of 0.17 acres from the C-1 (W-1) district to the D-8 (W-1) district to legally establish and provide for the expansion of an existing two-family dwelling with a new detached garage.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the expansion of a 3.5-foot north side yard setback for the dwelling and allow for a 3.5-foot north side yard setback for a detached garage (five feet required).

RECOMMENDATIONS

Amendment: The petition was amended to include the secondary (W-1) district notation, which did not require new notice.

Staff **recommends approval** of the rezoning request and variance to legally establish and provide for the expansion of a 3.5-foot north side yard setback for the dwelling.

Staff **recommends denial** of the variance to allow for a 3.5-foot north side yard setback for a detached garage.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.17-acre subject site is developed with a two-family dwelling.
- ◇ The property is bordered to the north with a two-family dwelling, zoned C-1, to the west across Dr Martin Luther King Jr Street with a park, zoned PK-1, to the south with an office building, zoned C-1, and to the east with a single-family dwelling, zoned D-8.

REZONING

- ◇ The request would rezone the property from the C-1 district to the D-8 district to allow the continued use of the site for residential use, which is not permitted in the commercial district.

(Continued)

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- ◇ The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.
- ◇ 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 residential development for 8 to 15 units per acre.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the expansion of the dwelling along the existing non-conforming 3.5-foot north side setback greater than the 50 percent limitation and for the construction of a detached garage with a deficient 3.5-foot north side setback.
- ◇ Per Table 742.103.03, the proposed D-8 district requires 5-foot side setbacks.

Wellfield Protection Secondary Zoning

- ◇ 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 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.

(Continued)

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- ◇ “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 within W-1 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.

Staff Analysis

- ◇ As proposed, rezoning to the D-8 district would be consistent with the Comprehensive Plan recommendation for residential development and would ensure the continued residential historical use of the site since the building was constructed in 1910 per the Assessor’s Property Card records.

- ◇ The variance for the expansion along the 3.5-foot north side yard setback would be acceptable since this would not create a more deficient setback than what already exists. However, the 3.5-foot setback proposed for the garage would not be supportable by staff since there is sufficient room on site to relocate the garage to meet the five-foot requirement. Therefore, there is no practical difficulty.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1	Compact	Residential (Two-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	C-1	Residential (Two-family dwelling)
South	C-1	Office
East	D-8	Residential (Single-family dwelling)
West	PK-1	Park

COMPREHENSIVE PLAN

The Comprehensive Plan recommends dwellings 8 to 15 units per acre development.

(Continued)

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THOROUGHFARE PLAN	Doctor Martin Luther King Junior Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with an 81-foot existing right-of-way and a 66-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is located within a wellfield protection district, specifically the White River – W-1.
SITE PLAN	File-dated December 7, 2023.
ELEVATIONS	File-dated December 7, 2023.
FINDINGS OF FACT	File-dated December 7, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2022-UV2-030; 2307 Dr. Martin Luther King Jr Street (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family dwelling (not permitted) with a 1.5-foot front setback along 23rd Street (10-foot front setback required), **granted**.

2021-UV2-023; 2307 Dr. Martin Luther King Jr Street (north of site), Variance of use and development standards to allow for the construction of a manufactured home with a three-foot front setback and two parking spaces, **granted**.

2019-ZON-012; 2319 Dr. Martin Luther King Jr. Street (north of site), Rezoning of 0.12 acre from the C-1 (W-5) District to the D-8 (W-5) classification, **approved**.

2008-VAR-001; 2201 Dr. Martin Luther King Jr Street (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline station with a five-foot east side transitional yard (minimum twenty-foot side transitional yard required), and to provide for carryout foot service within five feet of a protected district (minimum 100-foot separation required), **withdrawn**.

2007-ZON-139; 2201 Dr. Martin Luther King Jr. Street (south of site), Rezoning of 0.42 acre, from the C-1 (W-1) District to the C-3C (W-1) classification to provide for corridor commercial uses, **approved**.

(Continued)

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2003-ZON-071; 2335 Dr. Martin Luther King Jr. Street (north of site), Rezoning of 0.104 acre from C-1 (W-5) to C-3 (W-5), to provide for a beauty and barbershop, **denied**.

2002-ZON-149; 300, 400, 412, and 468 West Fall Creek Boulevard, 427 West 23rd Street, 2253, 2257, 2261, 2265, 2271, 2275, 2277, 2281, 2285, and 2289 Indianapolis Avenue, and 2276, 2278, 2286, 2288, and 2292 Paris Avenue (east of site), Rezone 6.74 acres from D-8 (W-1) and PK-1 (W-1) to SU-1 (W-1), to provide for religious uses, **approved**.

99-SE3-2; 2271 Indianapolis Avenue (east of site), Special Exception of the Dwelling Districts Zoning Ordinance to legally establish an administrative office, associated with a youth center, providing tutoring, gardening, and small meetings, associated with an adjacent church, **granted**.

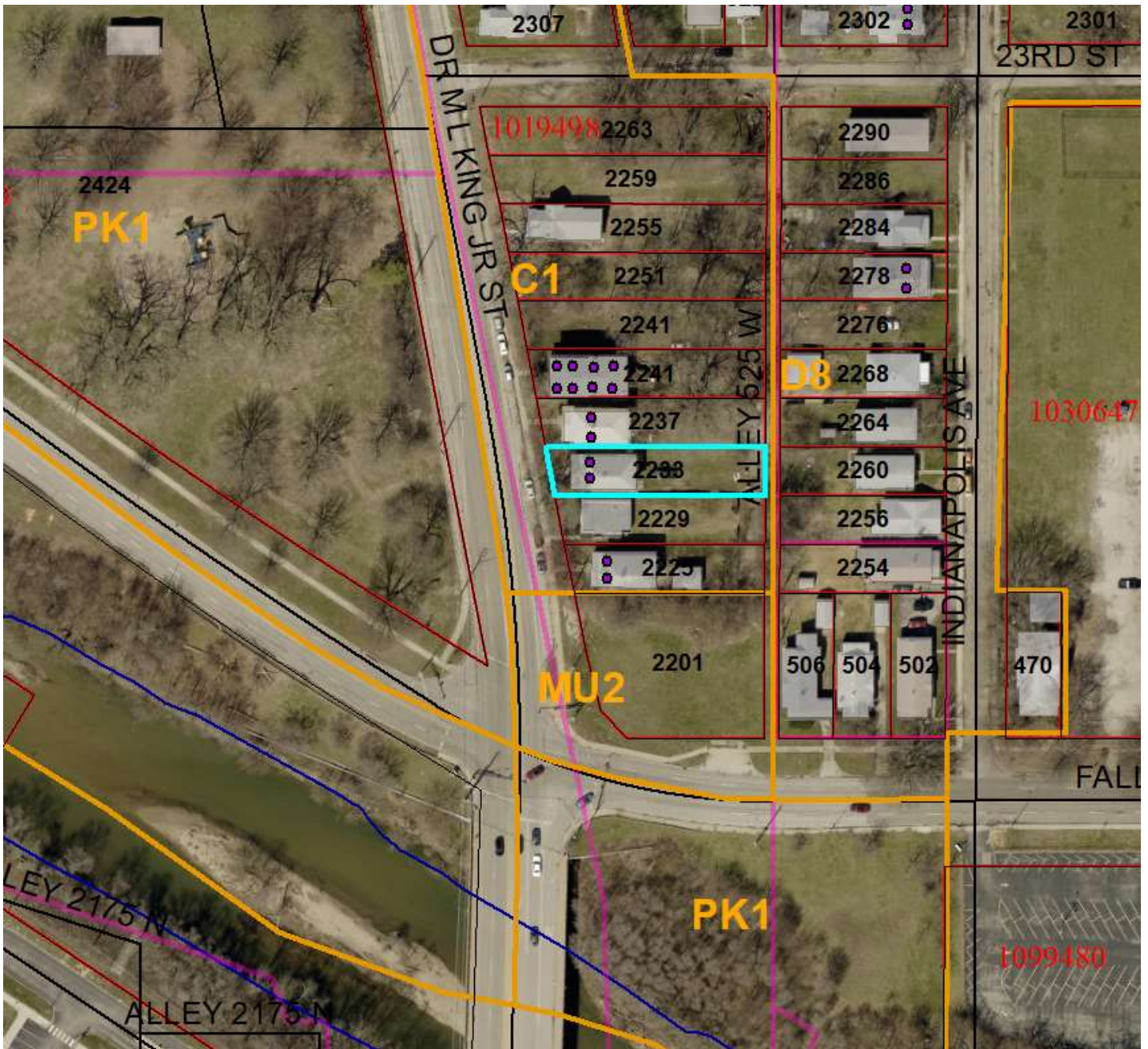
83-HOV-86; 2302 North Indianapolis Avenue (northeast of site), Variance of development standards to allow a room addition in the required four-foot side setback, **granted**.

65-V-324; 2201 Northwestern Avenue (subject site), Variance of use to permit a trailer for storage of merchandise in conjunction with an existing service station, **denied**.

46-V-303; 2201-2223 Northwestern Avenue (subject site), variance of use to provide for the expansion of a filling station, **granted**.

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2023-CZN-867 / 2023-CVR-867; Location Map



2023-CZN-867 / 2023-CVR-867; Site Plan

INTERIOR REMODEL 2233 & 2235 DR. MARTIN LUTHER KING JR. INDIANAPOLIS, IN 46208 PARCEL #1036891 CONSTRUCTION DOCUMENTS

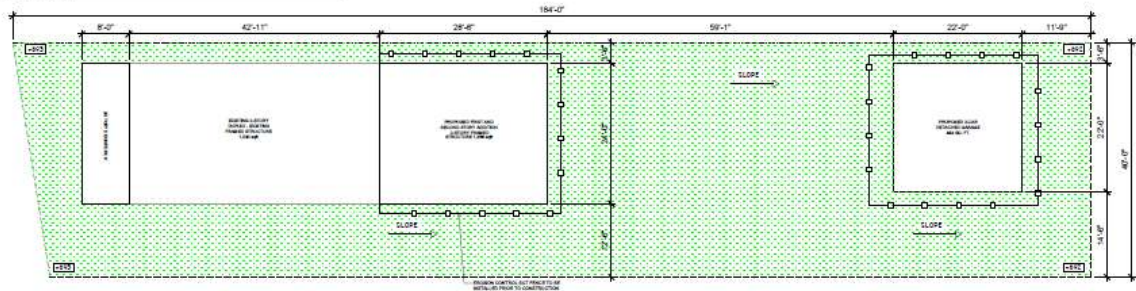
STREET ADDRESS:
2233 & 2235 MARTIN LUTHER KING
INDIANAPOLIS, IN 46208

FARCEL # 1036891

PRIMARY ZONING: D5
COMPACT CONTEXT AREA: COMPACT
LOT SIZE: 7,233 SQFT
EXISTING COVERAGE: 1,220 SQFT
PROPOSED COVERAGE: 2,287 SQFT (31.7%)
PROPOSED TOTAL OPEN SPACE: 4,946 SQFT (68.3%)

SHEET INDEX

C1.0 SITE PLAN
A1.0 FOUNDATION PLAN/SECOND FLOOR STRUCTURAL PLAN
A2.0 FIRST FLOOR DEMOLITION PLAN
A2.1 SECOND FLOOR DEMOLITION PLAN
A3.0 FIRST FLOOR PLAN
A3.1 SECOND FLOOR PLAN
A4.0 ROOF DEMOLITION PLAN, ROOF PLAN, DECK FRAMING PLAN (MASTER BEDROOM)
A5.0 WALL FRAMING DIAGRAM, EGRESS WINDOW SPEC., WALL SECTION, STAIR FRAMING DIAGRAM
A5.1 EXTERIOR ELEVATION



1 SITE PLAN
3/12" = 1'-0"

GENERAL NOTES

- THE GENERAL CONTRACTOR SHALL REVIEW ALL PROJECT DOCUMENTS, PRIOR TO FABRICATION AND START OF CONSTRUCTION. REPORT ANY DISCREPANCIES PRIOR TO PROCEEDING WITH WORK. THIS PLAN OUTLINES THE REMODEL OR AN ADJUSTED CURVA, AND CONSTRUCTION OF A 3.0M GARAGE.
- THE GENERAL CONTRACTOR SHALL PROVIDE ALL MEASUREMENTS NECESSARY TO VERIFY THE STRUCTURE AND MEMBERS USING CONSTRUCTION, INCLUDING MEASUREMENTS OF STRUCTURAL MEMBERS, AND ANY OTHER NON-STRUCTURAL ELEMENTS TO WITHSTAND CONSTRUCTION LOADS (RELOCATED WALLS).
- NO STRUCTURAL MEMBER SHALL BE CUT, NOTCHED OR OTHERWISE REDUCED IN SIZE OR STRENGTH WITHOUT PRIOR APPROVAL IN WRITING FROM THE ARCHITECTURAL ENGINEER.
- ALL DETAILS AND SECTIONS OF THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL BE CONSIDERED TO APPLY TO ANY SIMILAR SITUATION UNLESS NOTED TO THE CONTRARY. REFER TO A RELEVANT DETAIL OR SECTION.
- THE INTENTION OF THE PLANS AND SPECIFICATIONS IS TO PROVIDE ALL NECESSARY DETAILS TO CONSTRUCT A COMPLETE STRUCTURE. WHEN SPECIFIC INFORMATION IS MISSING OR IS IN CONFLICT, THE CONTRACTOR SHALL USE A REASONABLE DETAIL. THE CONTRACTOR SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECTURAL ENGINEER.

ALL WOOD CONSTRUCTION AND CONNECTIONS SHALL CONFORM TO AISC TIMBER CONSTRUCTION MANUAL, AND STANDARD INTERNATIONAL BUILDING CODE.

ALL WOOD CONTACT DEVELOPMENT OR FINISH SHALL BE PROVIDED THROUGHOUT.

ALL BOLTS FOR WOOD CONNECTIONS SHALL CONFORM TO ASTM A307, USE WOODENER BETWEEN WOOD AND ALL BOLT HEADS AND NUTS. WOODENERS SHALL HAVE ALL BOLT HEADS AND NUTS BORN.

ALL JOIST SHALL BE LATERALLY SUPPORTED AT EACH BY BOLD SUCCEEDS.

STEEL WALLS SHALL BE 3/4" X 8" @ 16" O.C. UNLESS NOTED OTHERWISE.

REMOVE HORIZONTAL BOLDING IN WOOD WALLS AT JOIST TOP, OR AS REQUIRED FOR SHEARWALL PANEL BOLDING.

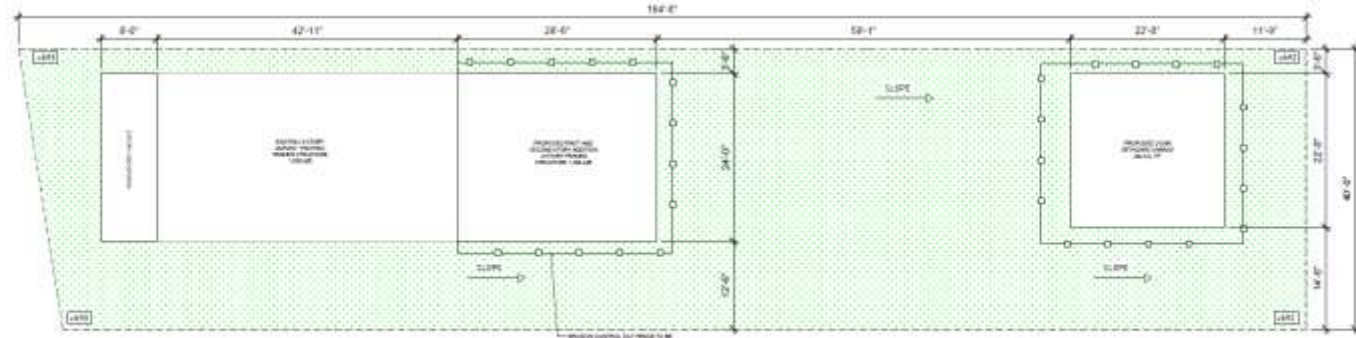
UNLESS NOTED OTHERWISE ON PLAN, PROVIDE DOUBLE STUDS AT ALL JAMB OF OPENING UP TO 4 FT. USE TRIPLE STUDS FOR OPENINGS GREATER THAN 4 FT. AND LESS THAN 10 FT.

WHEN SQUARE OR COLUMNS ARE FORMED OF 2 OR MORE MEMBERS THEY SHALL BE FULL BIRTH AND PARTIALLY JOINED PER CHAPTER 17 OF THE STANDARD BUILDING CODE.

WOOD FLOOR SHALL BE STRUCTURAL WITH 2x8 @ 16" O.C. BOLD AT ALL SUPPORTED JOIST SPACES HALF 17 O.C. ALONG INFORMATION PROVIDED MEMBERS.

JOIST: 2x8 @ 16" O.C.
STUDS: 2x8 @ 16" O.C.
WALLS: 3/4" X 8" @ 16" O.C.
PARTIALLY: 3/4" X 8" @ 16" O.C.

CONSTRUCTION CODE	3/12/2023
DATE	3/12/2023
<p>BRIDGE OVER WATER DESIGN, LLC mbridge3817@gmail.com</p> <p>2233 & 2235 DR. MARTIN LUTHER KING JR. ST. INDIANAPOLIS, IN 46208</p>	
SCALE	C1.0

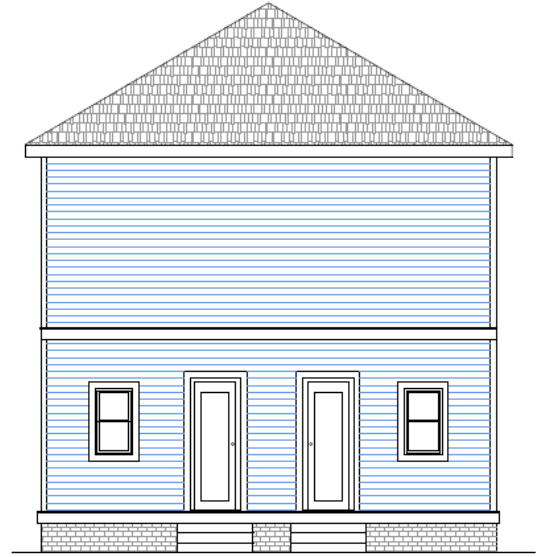


1 SITE PLAN
3/12" = 1'-0"

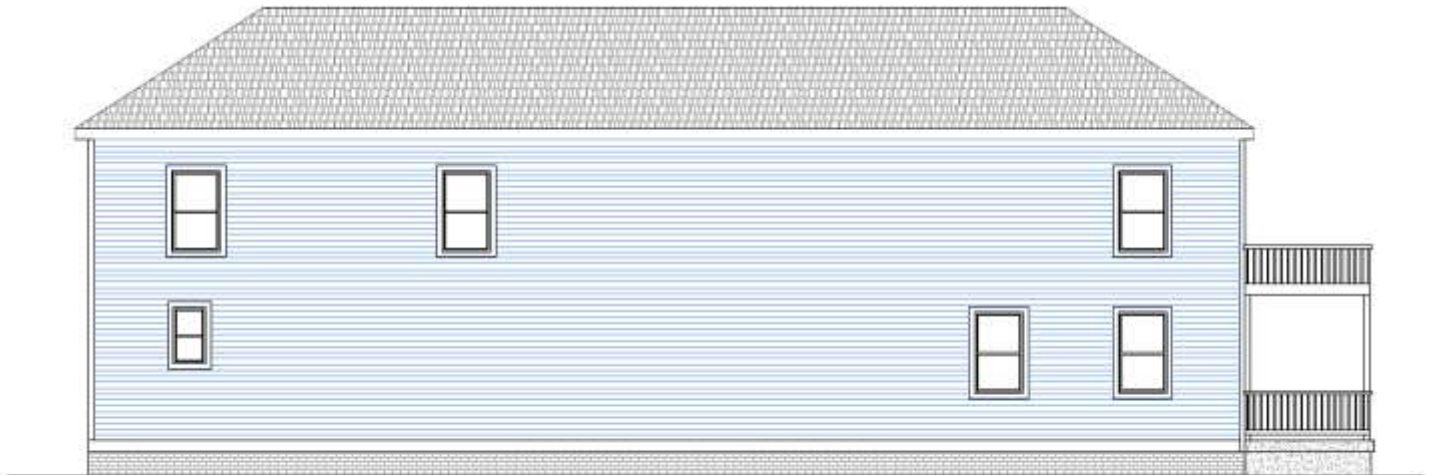
2023-CZN-867 / 2023-CVR-867; Elevations



1 WEST ELEVATION
3/16" = 1'-0"



2 EAST ELEVATION
3/16" = 1'-0"



3 NORTH/SOUTH ELEVATION
3/16" = 1'-0"

**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 addition will be built in a similar manner to the surrounding homes, creating no changes to the community

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 surrounding area and properties are similar in development and size

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

the home is existing and does not currently meet the side setback, so there's no way to comply with the ordinance without tearing down the house and rebuilding

2023-CZN-867 / 2023-CVR-867; Photographs



Photo of the Subject Property: 2233 Dr Martin Luther King Jr Street



Photo of the southern building façade and adjacent office to the south.



Photo of the rear yard where expansion and detached garage will be located.



Photo of alley east of the subject site looking north.



Photo of the residential dwellings north of the site.



Photo of the park west of the site.