

BOARD OF ZONING APPEALS DIVISION III

January 16, 2024

Case Number: 2023-DV3-051

Property Address: 3449 North Kenwood Avenue (approximate address)

Location: Center Township, Council District #9 (#8 Beginning 2024)

Petitioner: Mamba Investments LLC, by Sharika Webb

Current Zoning: D-5 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with three-foot side yard setbacks and a 27-foot front building line (five-foot setbacks required, maximum 19.9-foot front building line permitted).

Current Land Use: Residential

Staff Recommendations: Staff **recommends approval** of the request for three-foot side yard setbacks with a commitment to require administrative approval of the exterior elevations of the property. Staff **recommends denial** of the request for a 27-foot front building line.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request for three-foot side yard setbacks with a commitment to require administrative approval of the exterior elevations of the property. Staff **recommends denial** of the request for a 27-foot front building line.

PETITION OVERVIEW

- This parcel is currently undeveloped and is surrounded by existing residentially zoned land that is largely developed. This petition would allow for the legal placement of a single-family residence with deficient front building line and side setbacks for the primary structure.
- These parcels are zoned D-5 (Dwelling District Five) to allow for medium and large-lot housing formats, primarily for detached houses. The Zoning Ordinance indicates that D-5 zoning is appropriate for infill situations within established urban areas. Additionally, the Marion County Land Use Plan Pattern Book indicates that Detached Housing is an acceptable land use within

the Traditional Neighborhood typology. Although the TOD Overlay within the Pattern Book indicates that detached housing is not recommended as new development, these lots are substandard and irregular enough that staff feels placement of new housing would be appropriate.

- The 2020 Red Line Transit-Oriented Development Plan discourages off-street surface parking. Although on-street parking is not available along the eastern side of Kenwood Avenue, the TOD plan encourages garages and multiple neighboring properties have detached garages facing the alley to the east. The proposed location of the single-family dwelling would likely necessitate an additional variance for a deficient rear setback if a detached garage were to be added to the property in the future.
- Most homes along this block of Kenwood have a 1-story covered front porch that extends out from the primary property. However, the proposed front and rear porches on this house are comprised of thick, solid walls that extend down from the roof and are heavy in their massing. The porches also do not show steps leading up to them despite plans indicating placement of a crawl space. This unusual façade design and potential difference in foundation height from neighboring properties do not demonstrate compliance with the Infill Housing Guidelines.
- Setback standards allow for adequate separation between neighboring properties and between structures and public roadways. They are also a key component of recent ordinance amendments focused on the implementation of walkable, compact neighborhoods. Additionally, uniform front setbacks help shape the perceived size of streets and promote orderly development as outlined within the Infill Housing Guidelines. Table 744-701-2 of the Indianapolis Zoning Ordinance indicates that along Terrace frontages a maximum front building line of 19.9 feet is allowed. Additionally, 5-foot side setbacks are required for this property and development type per Table 742.103.03 of the Ordinance.
- This request would establish 3-foot side setbacks. The requested side setbacks would not create uncharacteristically large gaps between properties or present the appearance of irregular spacing compared to neighboring properties. Additionally, the deficient sizing of the existing lot would make development with compliant side setbacks difficult. For these reasons, staff recommends approval of the request for 3-foot side setbacks.
- Staff's recommendation of approval for the side setback request would be conditioned upon the ability to provide administrative approval of exterior elevation renderings to ensure that the proposed massing and façade match the neighborhood context and conform with the Infill Housing Guidelines.
- This request would also establish a 27-foot front building line. Counter to the Infill Housing Guidelines, the proposed front setback does not fall within the existing setback range established by neighboring properties (maximum of neighboring houses on the block is 17 feet and the proposed is 20 feet). Additionally, the proposed location would likely not allow for future placement of a detached rear garage as recommended by the Red Line TOD Plan without a future variance.

- No practical difficulties exist that would prevent development of the property with a smaller front building line that would comply with ordinance standards and comprehensive plan guidelines. Therefore, staff recommends denial of the request for a 27-foot building line.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-5	North: Traditional Neighborhood
South:	D-5	South: Traditional Neighborhood
East:	D-8	East: Traditional Neighborhood
West:	D-5	West: Traditional Neighborhood
Thoroughfare Plan		
Kenwood Avenue	Local Street	Existing ROW: 50' Prop ROW: 48'
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	12/20/2023	
Site Plan (Amended)	N/A	
Elevations	12/07/2023	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/07/2023	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood living typology for this site.
- This site is also within the Transit-Oriented Development Overlay which indicates that “where detached housing already exists, secondary units are encouraged. Detached Housing is not recommended as new development”.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls at the edge of the 1000-foot buffer around the existing Red Line. The homes would be built closest to a Walkable Neighborhood BRT stop which is primarily comprised of attached and detached single-family development.
- Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (IHG) are used to promote good practice with regards to form, massing, aesthetics, landscaping, etc. of new infill housing projects.
- The IHG recommends that front setbacks should match the context of the existing block and be built within existing setback ranges of adjacent properties.
- The IHG indicates that side setbacks and building spacing should limit uncharacteristically large gaps and reify existing spacing along the block.

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

2022UV2023; 3401 N Capitol Avenue (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with minor residential features and structures (not permitted), **approved**.

2010ZON080; 3427 N Capitol Avenue (southwest of site), Rezoning of 0.37 acre, from the D-5 District, to the D-8 classification to provide for multifamily development, **approved**.

2010VAR011; 3427 N Capitol Avenue (southwest of site), Variance of Development Standards of the dwelling district zoning ordinance to provide for a 12.5-foot wide, two -way internal drive aisle (minimum 24-foot drive aisle width required); a trash container with a three-foot rear setback; a six-foot tall front yard fence; 18 parking spaces; and a three-foot north perimeter yard, **approved**.

2004DV3034; 145 W 35th Street (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a two-story, 2,338.40-square foot two-family dwelling, with a 250-square foot front porch, with a 2.50-foot front yard setback from the existing right-of-way of West 35th Street (minimum 25-foot setback from the existing right-of-way required) with a lot area of 3,120 square feet (minimum lot area of 9,000 square feet required), with a lot width of 52 feet and 60 square feet (minimum lot width of ninety feet required on both street frontages), and without each dwelling unit oriented to a different street (each dwelling unit required to be oriented to a different street), **approved**.

99-HOV-17; 3469 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a duplex with a main floor area of 591 square feet (minimum 660 square feet required), **approved**.

99-HOV-16; 3455 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a duplex with a front setback of 25 feet on Illinois Street (minimum 40 feet required), to provide for a main floor area of 591 square feet (minimum 660 square feet required), and to provide for 2 off street parking spaces (minimum 4 spaces required), **dismissed**.

99-V3-81; 3457 N Illinois St (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a duplex with one dwelling with a main floor area of 589 square feet (minimum 660 square feet required), a second dwelling with a main floor area of 603 square feet (minimum of 660 square feet required), a front setback of 25 feet along Illinois Street (minimum 40 feet required), and, an aggregate side yard setback of 8.2 (minimum 10 feet required), **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

99-SE3-6; 3450 N Illinois Street (east of site), special exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a church, **approved**.

97-V1-26; 3469 N Illinois Street (northeast of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family residential dwelling with: a) a front yard setback of 4.1 feet along 35th Street (minimum 25 feet required); b) a front yard setback of 25 feet along North Illinois Street (minimum 40 feet required); and c) zero off-street parking spaces (minimum 4 required), **approved**.

95-HOV-96; 3461 N Illinois Street (northeast of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of three residences: one single-family residence with a front setback from North Illinois Street of 20 feet (minimum front setback of 40 feet required) and one two family residence with a front setback from North Illinois Street of 25 feet (minimum front setback of 40 feet required), **approved**.

95-HOV-95; 3433 N Illinois Street (southeast of site), variance of development standards of the Dwelling District Zoning Ordinance to provide for the construction of a single-family residence with a front setback from North Illinois Street of 20 feet (minimum front setback of 40 feet required), **approved**.

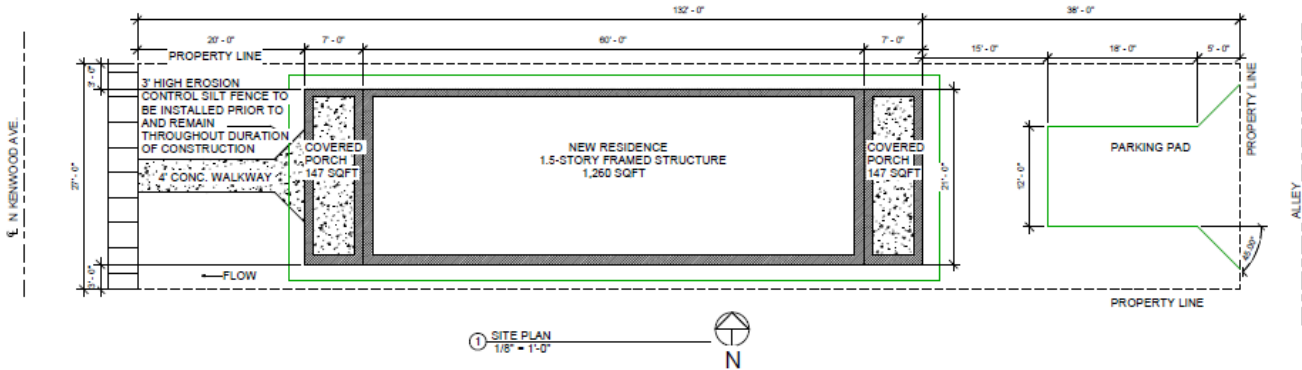
94-Z-155; 3433 N Illinois Street (southeast of site), rezone of 0.12 acre from C-4 to D-8, **approved**.

EXHIBITS

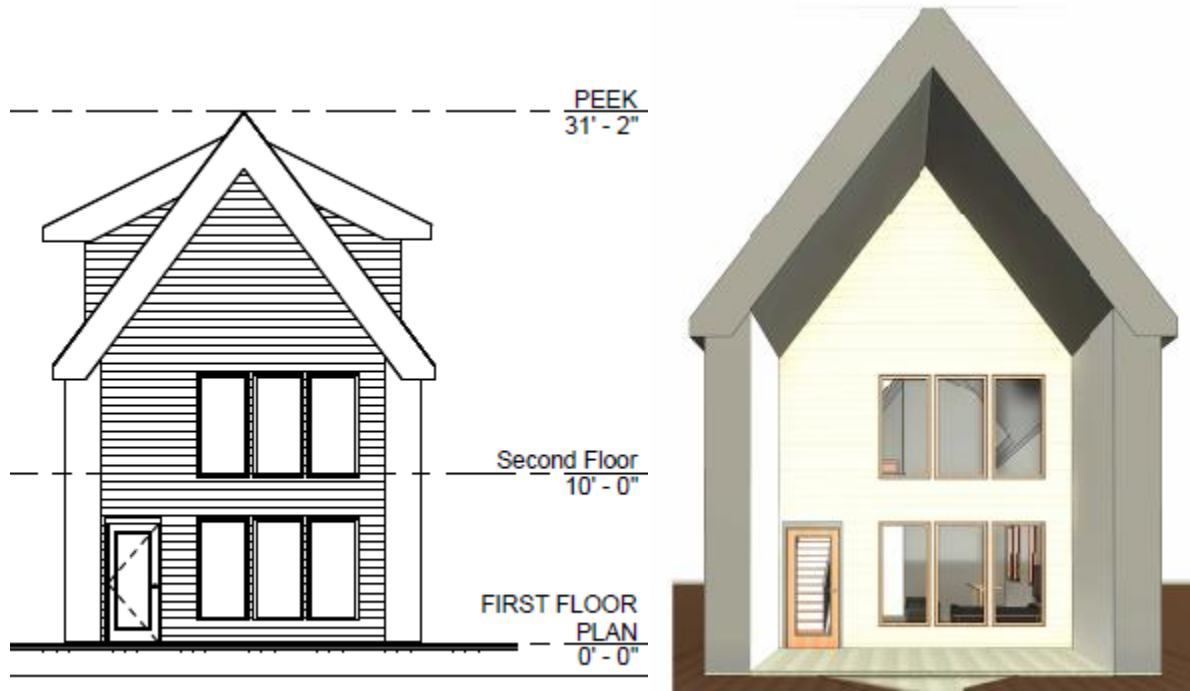
2023DV3051 ; Aerial Map



2023DV3051 ; Site Plan



2023DV3051 ; Front Elevation & Front Rendering





2023DV3051 ; Findings of Fact

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [REDACTED]
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 variance aligns with the existing zoning regulations besides the setback and will not pose a threat to the public. Instead the variance is crucial for promoting affordable housing, which contributes to the overall well-being of 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:

Due to the careful planning and consideration of the surrounding environment the proposed variance will not devalue the adjacent property. In order to achieve this the contractors selected are well trained and will ensure that the construction and development adheres to the highest standards. Their professional expertise will minimize any potential adverse effects on the adjacent areas.

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

The current zoning ordinances would necessitate narrowing the proposed new residential construction, creating practical difficulties in design and functionality. In addition, this limitation could hinder the ability to provide adequate living spaces and may compromise the overall quality of the housing.

2023DV3051 ; Pictures



Photo 1: View of the Subject Site (from West)



Photo 2: Adjacent Properties to West Across Kenwood

2023DV3051 ; Pictures (continued)



Photo 3: Neighboring Property to the North



Photo 4: Neighboring Property to the South