

BOARD OF ZONING APPEALS DIVISION III

May 20, 2025

Case Number: 2025-DV3-013

Property Address: 1106 West 28th Street & 842 West 26th Street (*approximate addresses*)

Location: Center Township, Council District #12

Petitioner: Canal Village III, LP, by Elizabeth Bentz Williams

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on each lot, with three-foot side yard setbacks, per the filed site plans (five-feet required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this petition subject to a commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to a commitment that elevation renderings approved for the ILP match those previously approved by the City Architect and submitted with this application.

PETITION OVERVIEW

- This petition encompasses two (2) separate residential parcels that are not contiguous but are located within a half mile of each other: 1106 W 28th Street and 842 West 26th Street. Both parcels are undeveloped and are 3780 square feet in size. Surrounding land uses within the neighborhood include are predominantly 1-2 family residential, although the 28th Street parcel is bordered to the north by a church and the 26th Street parcel by a vacant commercial/storage structure.
- Approval of this petition would allow for the construction of two (2) single-family residences with eastern side-yard setbacks of three (3) feet. The proposed homes would have western side-yard setbacks of seven (7) feet and would be offset from being placed on the center of the lot to allow for placement of ADA access and sidewalks along the western property boundaries. The D-5 zoning would require side setbacks to be 5 feet in width.

- The D-5 zoning district is intended for medium and large-lot housing formats (primarily detached houses) either within new walkable suburban neighborhood contexts or for infill situations within established urban areas. Similarly, the United Northwest Neighborhood Plan identifies these sites as “prime area for new residential development” and recommends a density of 3.5 to 5 units per acre (typical for single-family residences). Additionally, Infill Housing Guidelines indicate that spacing between properties should reinforce spacing on the existing block, that uncharacteristically large gaps between houses should be avoided, and that adequate room should remain between structures for maintenance.
- Findings of Fact provided by the applicant indicate that the proposed development would constitute reinvestment into an area with high poverty, would follow relevant infill development and walkable neighborhood principles, and would allow for more housing options at a variety of price points. They also mention the need for ADA-compliant front entry features and the involvement of the Canal Village III Tax Credit project in development of these properties for affordable housing. Full Findings of Fact are displayed within the Exhibits below.
- Staff notes that the proposed two-foot deviation would be minor in nature, that the change in grade towards the front of the 26th Street lot would make ADA-compliant entry features of even greater importance, and that the proposed side setbacks would not deviate from typical setbacks in this neighborhood context or create issues related to irregular separation or difficulty of building maintenance. Additionally, staff is supportive of City efforts to establish affordable housing. On the condition that renderings of proposed building elevations be submitted for administrative approval prior to permit issuance to ensure the building design matches what had been approved by the City Architect, staff recommend approval of this petition.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Dwellings 3.5 – 5 Units per Acre	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-5 (C-3 for 28 th St)	North: Church (Undeveloped for 28 th)
	South: D-5	South: Residential
	East: D-5	East: Residential
	West: D-5	West: Residential
Thoroughfare Plan		
28 th Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
26 th Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	04/14/2025
Site Plan (Amended)	N/A
Elevations	05/01/2025
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/14/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends this site for low density residential development of 3.5 to 5 units per acre. The plan is encouraging of efforts to increase home ownership across a range of housing prices and has identified these sites as a “prime area for new residential development” in which there shouldn’t be expansion of industrial or heavy commercial uses.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that the spacing between properties should reinforce spacing on the existing block, that uncharacteristically large gaps between houses should be avoided, and that adequate room should remain between structures for maintenance.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2025CVR817 ; 866 W 26th Street (west of 26th site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family detached dwellings, on proposed 2,829 square-foot lots (minimum 5,000 square-foot lots required), 22.5-foot lot widths (minimum 40-foot lot width required), and, with 3.5-foot side yard setbacks (minimum five-foot side yard setbacks required), **approved.**

2021HOV036 ; 829 Roache Street (northeast of 26th site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 3,750-square-foot, 30-foot wide lot and to provide for a single-family dwelling with four feet of separation between primary dwellings (minimum 5,000 square-foot lot size, 50-foot lot width, ten-foot separation required), **approved.**

2020HOV012 ; 1017 W 28th Street (southeast of 28th site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with five feet between dwelling (10-foot separation required), **approved.**

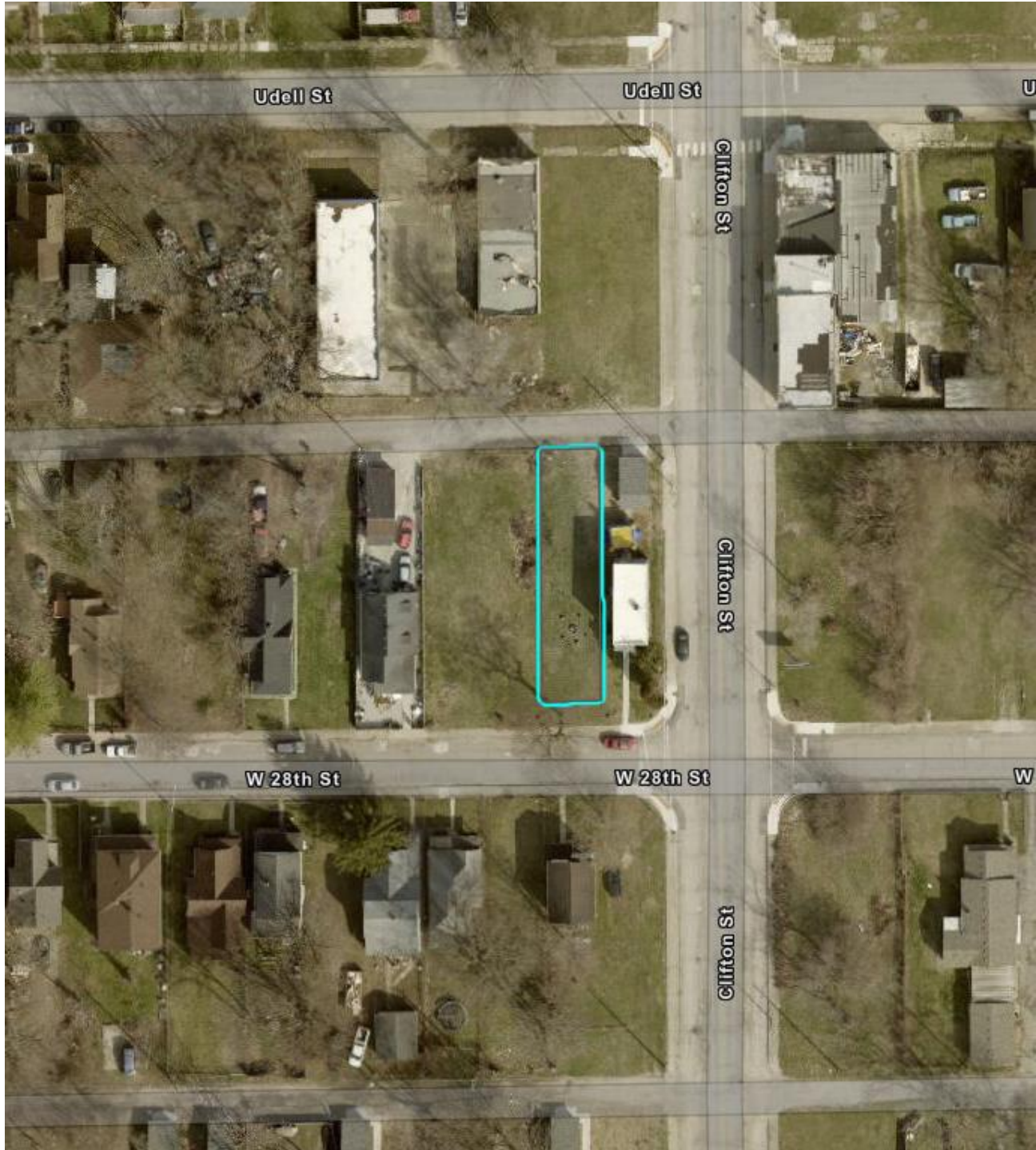
2018CVR835 ; various address near 28th site, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,760-square foot lot (7,200 square feet) at 1122 Roache Street, to provide for single-family dwellings with 620-square foot main floor areas (660 square feet) at 1002 and 1102 West 28th Street and 1045 Udell Street and 1121 Roache Street, to provide for a single-family dwelling six feet between dwellings at 1066 Roache Street and to provide for a single-family dwelling at 1045 Udell Street, with 6.0 feet between dwellings (10 feet required), **approved.**

2005ZON207 ; various addresses near 28th site, 0.43 acres from C-3 and PK-1 to D-5 to provide for the construction of five single-family dwellings, **approved.**

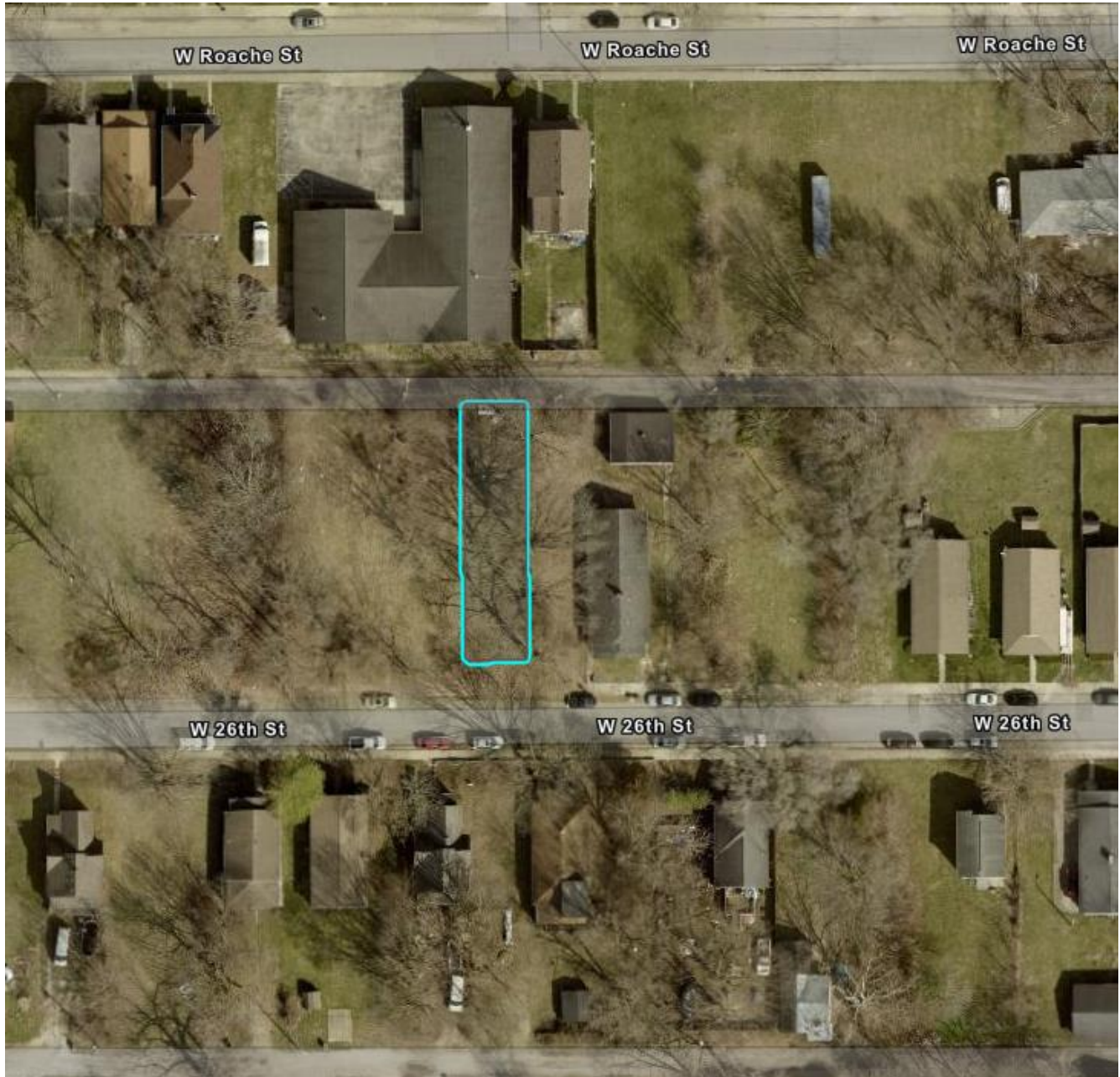
2005ZON119 ; northeast of 28th site, Rezoning of two commercial lots in the C-3 zoning District to the D-5 classification for the construction for two affordable single family houses, **approved.**

EXHIBITS

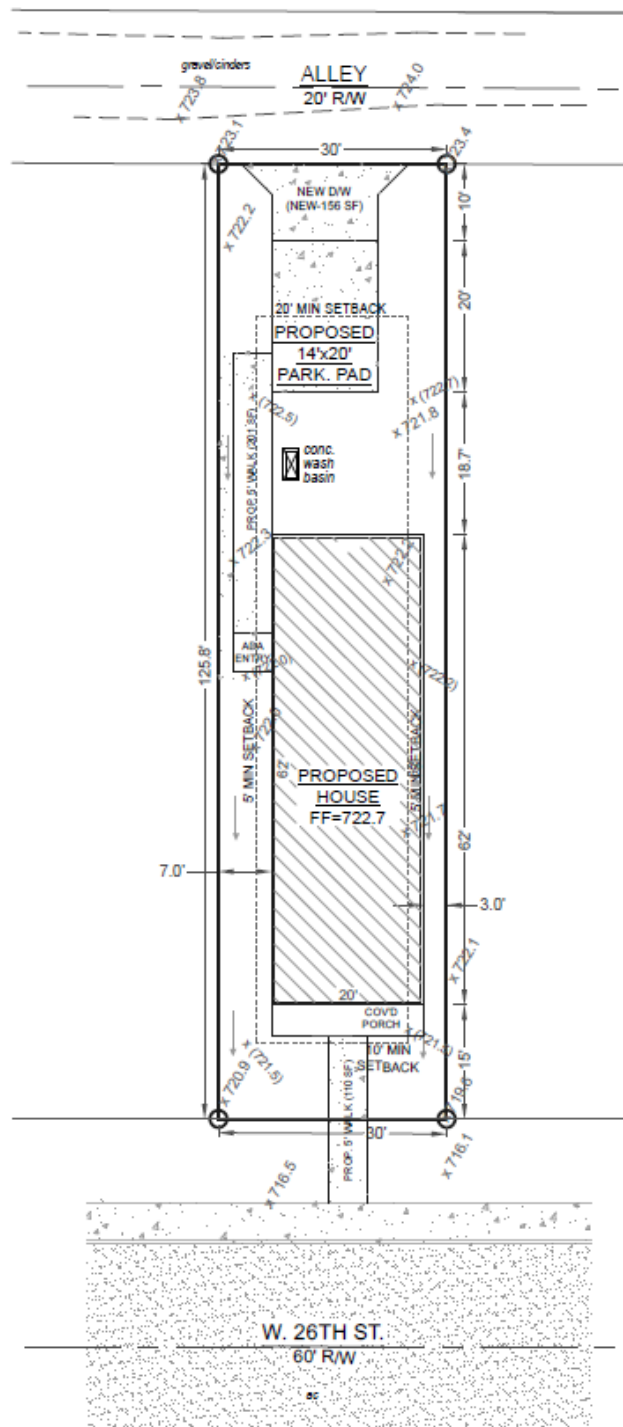
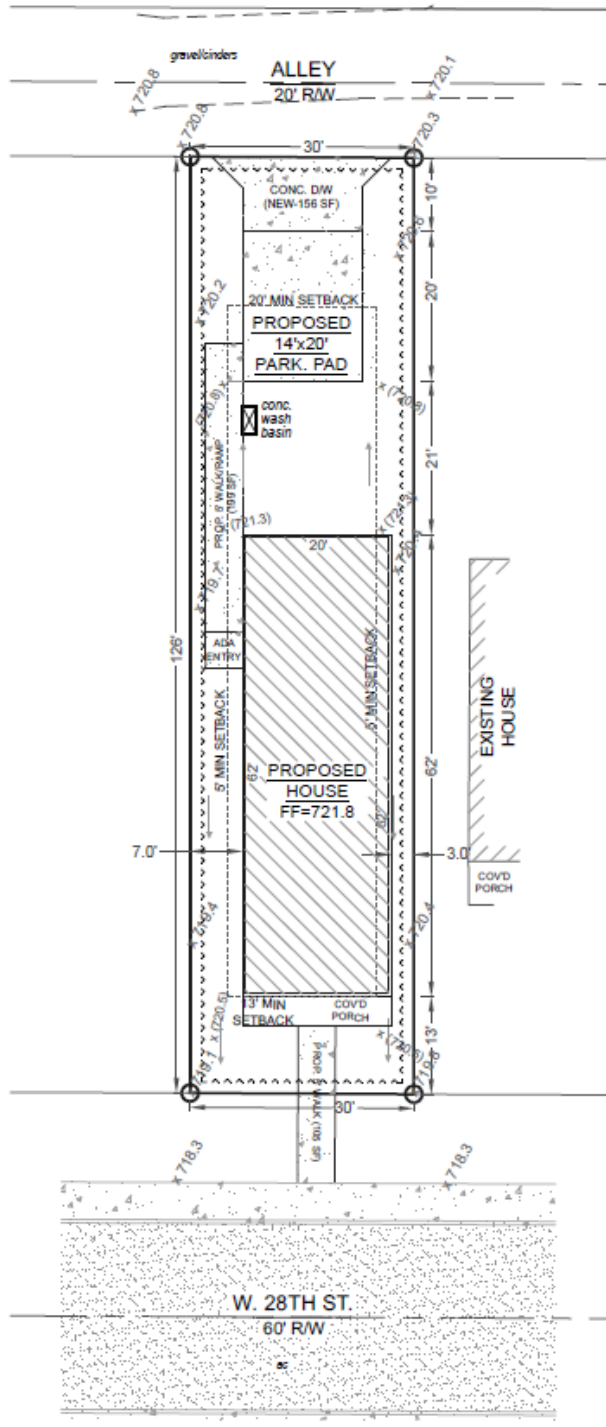
2025DV3013 ; Aerial Map (1106 W 28th)



2025DV3013 ; Aerial Map (842 W 26th)



2025DV3013 ; Site Plans (1106 W 28th on left & 842 W 26th on right)



2025DV3013 ; Elevations (both properties)



2025DV3013 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposal fulfills the intent of provisions of the zoning and subdivision control ordinances with regard to infill development and walkable neighborhood provisions by creating new construction opportunity in an established neighborhood. Granting the variances would allow continued reinvestment into a neighborhood where 1/3 of the population falls below the poverty line.

The granting of the requested variances would have no injurious effects of the public health, safety, morals or general welfare of the community, as the setback reduction is intended to provide for accessible entry features to the proposed structures.

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 use and value of surrounding property would be positively affected by granting the variance requests. Construction of new single family detached homes, as opposed to the permitted 2-4 unit multi-family structures, provides a needed product that is consistent with the development patterns of the neighborhood. Permitting reduced side yard setbacks serves to provide an affordable housing option in a neighborhood that has experienced significant disinvestment in recent history.

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

Granting of the variance requests would accommodate the evolution of the neighborhood and a modernization of infill strategy while maintaining the traditional neighborhood form and feel. The variance requests serve to provide single family reinvestment and repopulation of the neighborhood that sees a 27% vacancy rate as of 2022.

The strict application of the terms of the ordinance would create serious practical difficulties by eliminating ADA compliant entry features from the structure as well as conflicting with the Canal Village III Tax Credit project granted with support from the City of Indianapolis.

2025DV3013 ; Photographs



Photo 1: Subject Site Viewed from South (842 W 26th)

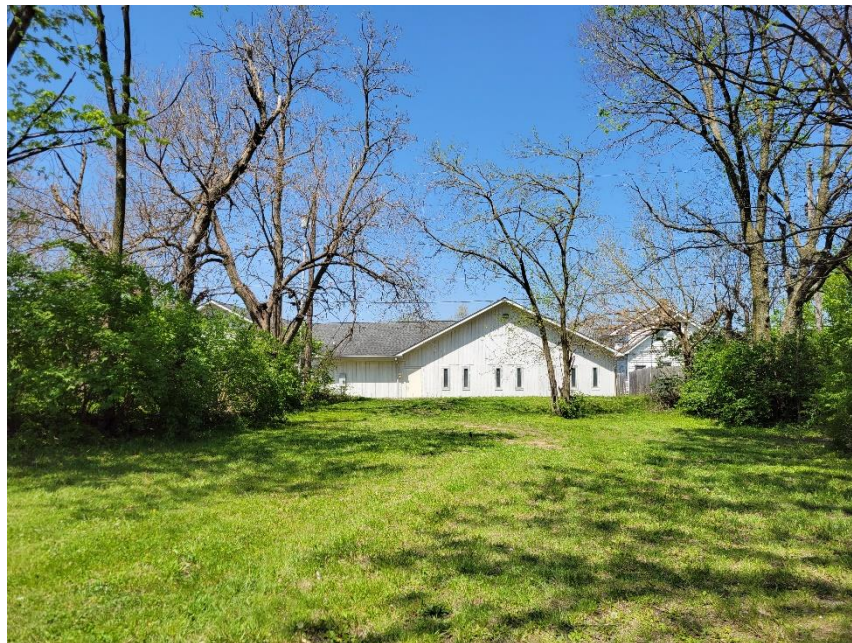


Photo 2: Adjacent Property to North (842 W 26th)

2025DV3013 ; Photographs (continued)



Photo 3: Adjacent Property to East (842 W 26th)



Photo 4: Adjacent Property to South (842 W 26th)

2025DV3013 ; Photographs (continued)



Photo 5: Subject Site Viewed from South (1106 W 28th)



Photo 6: Subject Site Viewed from North (1106 W 28th)

2025DV3013 ; Photographs (continued)



Photo 7: Adjacent Property to West (1106 W 28th)



Photo 8: Adjacent Property to South (1106 W 28th)

2025DV3013 ; Photographs (continued)



Photo 9: Adjacent Property to North/Northwest (1106 W 28th)



Photo 10: Adjacent Property to Northeast (1106 W 28th)