



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 23, 2025

Case Number: 2024-CVR-841 (Amended) / 2024-CPL-841
Property Address: 3359 Carrollton Avenue (Approximate Address)
Location: Center Township, Council District #8
Petitioner: INDYCHEN, LLC., by David Gilman
Current Zoning: D-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling with a five-foot corner side yard for the dwelling along 34th Street on Lot 1 (minimum eight-foot corner side yard required).
Approval of a Subdivision Plat, to be known as Osgood Carrollton Estate, subdividing 0.27-acre into two lots.
Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 23, 2025 HEARING EXAMINER

This petition was continued from the November 21, 2024 hearing to the January 23, 2025 hearing at the request of the petitioner.

The petitioner withdrew the variances to provide for the zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 (minimum eight-foot corner side yard required), zero-foot north and south side setbacks for sidewalks on Lot 2 (two-foot side setbacks required for minor residential features), and the zero-foot rear setback on Lot 2 for the detached garage (minimum five feet required).

The variance that remained is the five-foot corner side yard for the dwelling along 34th Street on Lot 1.

Staff **recommends approval** of the variance for a five-foot corner side yard for the dwelling along 34th Street on Lot 1.

All other variances will need to be withdrawn since the petitioner confirmed they would no longer be needed.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 19, 2024 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.



Department of Metropolitan Development
Division of Planning
Current Planning

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.
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.

November 21, 2024

This petition was continued for cause from the October 24, 2024 hearing to the November 21, 2024 hearing at the request of the petitioner to allow additional time for the petitioner to present at a registered neighborhood organization meeting.

STAFF RECOMMENDATION

Staff **recommends approval** of the variance for a five-foot corner side yard for the dwelling along 34th Street on Lot 1.

All other variances will need to be withdrawn since the petitioner confirmed they would no longer be needed.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 19, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

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PETITION OVERVIEW

LAND USE

The 0.27-acre subject site is an undeveloped residential lot located in the Mapleton / Fall Creek neighborhood. Surrounded by single-family dwellings to the south, west, and north, zoned D-5, and an undeveloped lot to the east across the alley, zoned D-5.

VARIANCE OF DEVELOPMENT STANDARDS

The initial request was to provide for two, multi-unit dwellings, with a five-foot corner side yard for the dwelling and zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 where a minimum eight-foot corner side yard is required, and zero-foot north and south side setbacks for sidewalks on Lot 2 where two-foot side setbacks are required for minor residential features, with a zero-foot rear setback on Lot 2 for the detached garage where a minimum of five feet is required.

The petitioner submitted a revised site plan that eliminated the zero-foot north and south side setbacks for sidewalks on Lot 2 and the zero-foot rear setback on Lot 2 for the detached garage. With further discussions, the petitioner has agreed to eliminate the zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 with the removal of the northern sidewalk and northern most parking space. The fourth tenant will park along the available street parking on Carrollton Avenue.

Once all the requests that would no longer apply are officially withdrawn, the remainder of the variance request would be for a five-foot corner side yard for the dwelling on Lot 1.

PLAT

The subject site is an undeveloped lot zoned D-5 in the Osgood's Forest Park subdivision. This proposed plat would divide the existing parcel into two lots. Lot 1 would contain a four-unit multi-house with a surface parking area at the rear and Lot 2 would contain a two-unit multi-unit house with a detached garage.

STREETS

Both Lot 1 and 2 would front on Carrollton Avenue. No new streets are proposed.



SIDEWALKS

Sidewalks are existing along Carrollton Avenue and 34th Street.

STAFF ANALYSIS

Staff is supportive of the variance request to be amended to only include a five-foot corner side yard setback for the dwelling because there is a significant existing right-of-way along 34th Street that measures approximately 17 feet from the edge of the curb to the northern property boundary of Lot 1. Therefore, the reduced corner side yard setback would not significantly impact the street frontage.

Staff is supportive of the subdivision plat because it will meet the D-5 standards apart from the one variance for the dwelling setback.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	5 to 8 Residential Units per Acre	
Surrounding Context	Zoning	Land Use
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Undeveloped
	West:	D-5 Residential (Single-family dwelling)
Thoroughfare Plan		
34 th Street	Primary Collector Street	56-foot proposed right-of-way and 60-foot existing right-of-way.
Carrollton Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 19, 2024	
Site Plan (Amended)	October 30, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 27, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Mapleton-Fall Creek Neighborhood Land Use Plan (2013) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The subject site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) and is recommended for 5 to 8 residential units per acre development.
- In suburban and rural areas this is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.

- **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
- **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

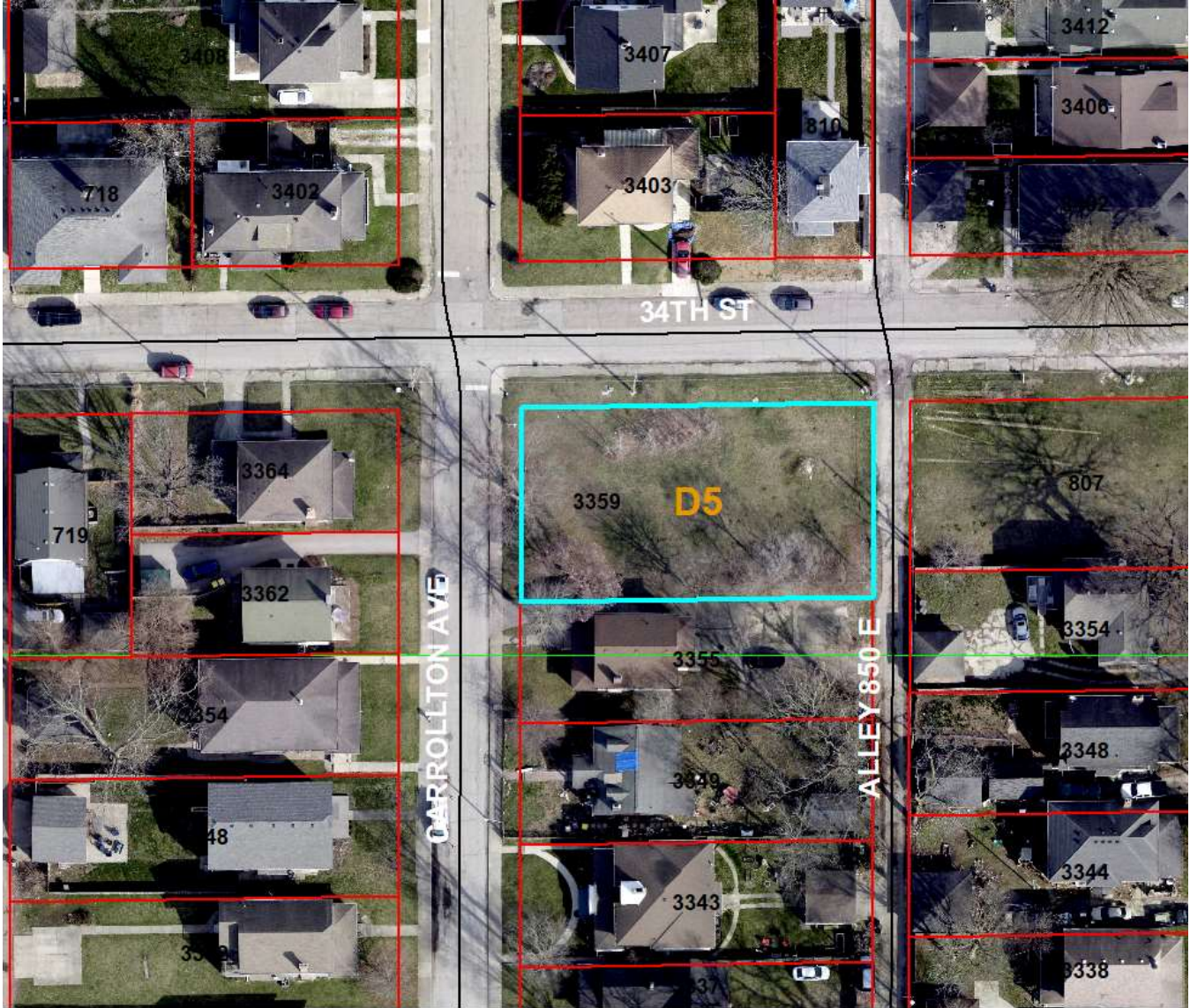


ZONING HISTORY

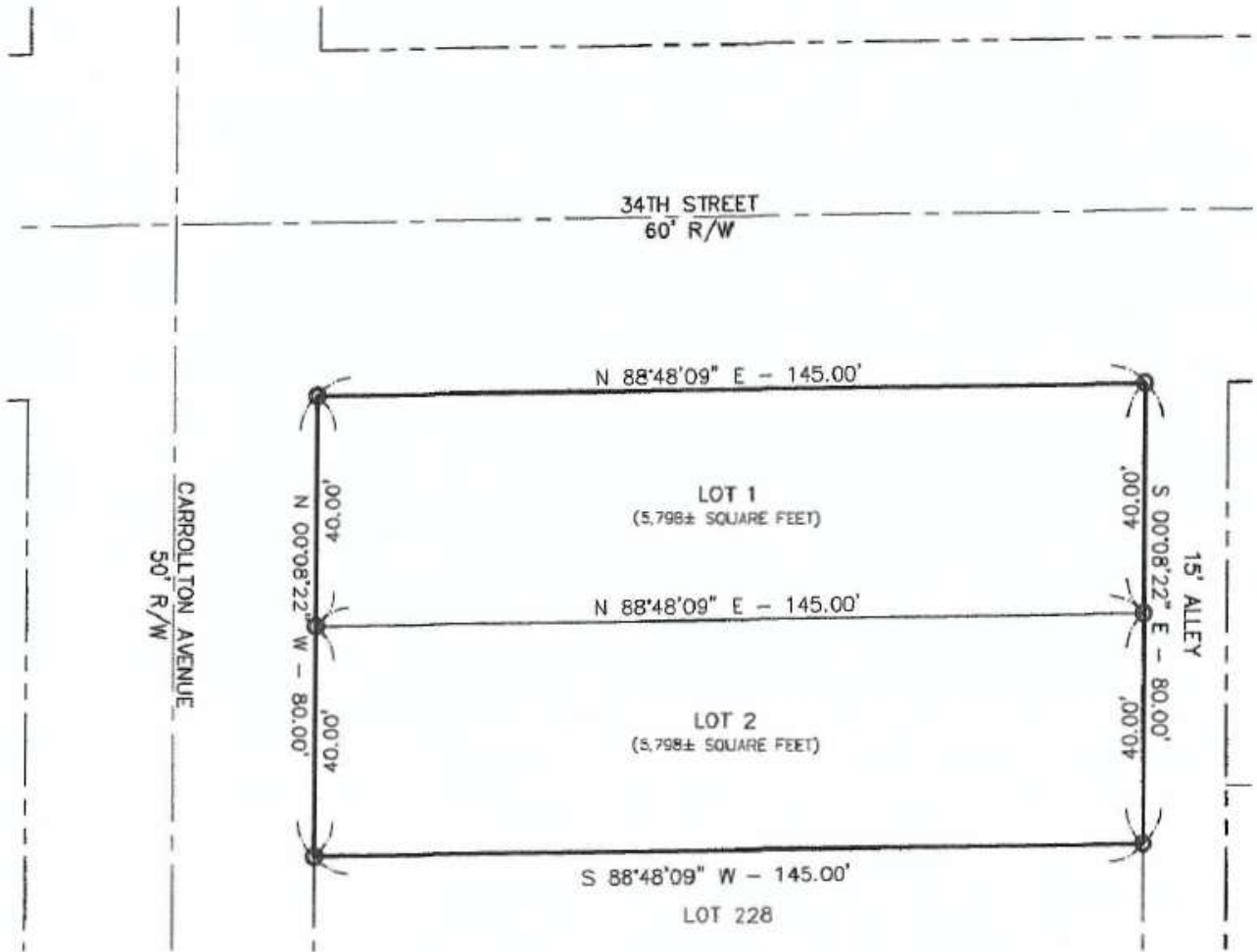
Zoning History – Vicinity

2021-PLT-036; 3419 Carrollton Avenue (north of site), Approval of a Subdivision Plat, to be known as Fast's Carrollton Avenue Addition, dividing 0.13 acre into two single-family attached lots, **approved**.

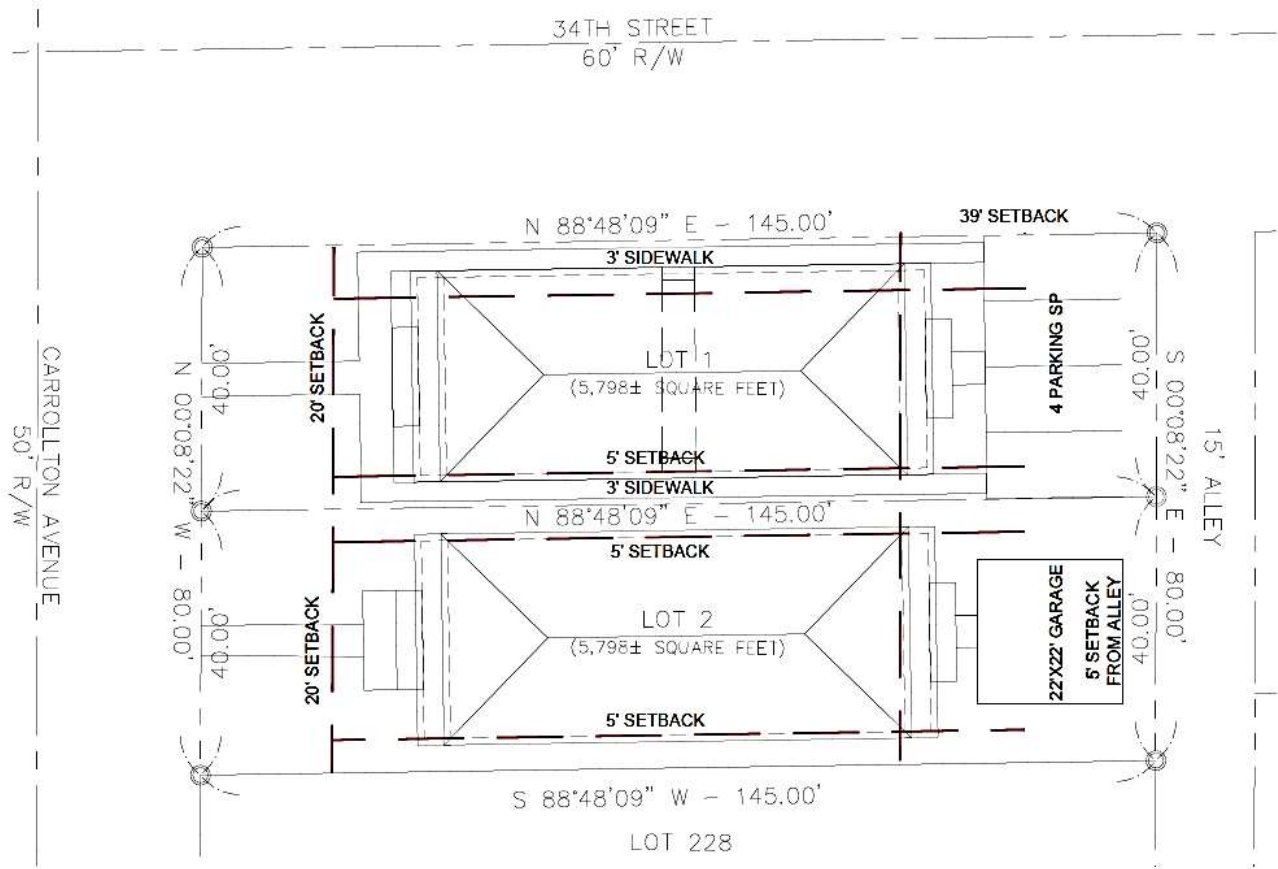
EXHIBITS



Preliminary Plat (Close-Up)



AMENDED SITE PLAN

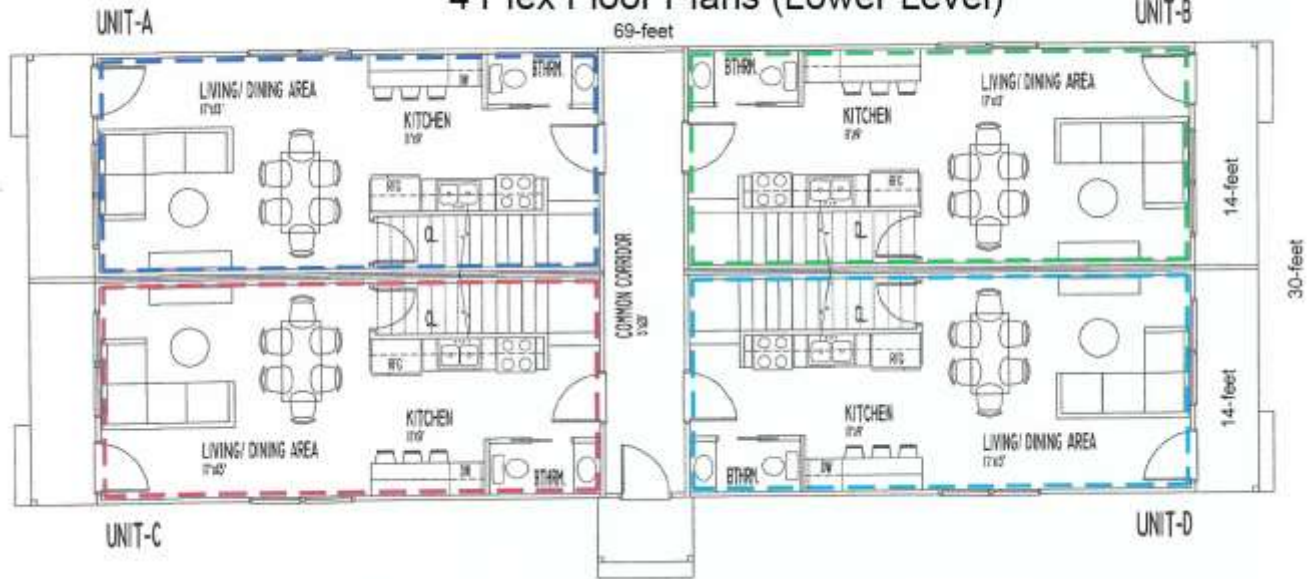


43% OPEN SPACE

SITE DEVELOPMENT PLAN
 SCALE: 1" = 20'



4 Plex Floor Plans (Lower Level)



4 Plex Floor Plans (Upper Level)





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 residential buildings will be constructed to meet all applicable building codes and health department standards.

The site has direct access to a public street and has all utilities readily available.

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 proposed use of the site is compatible with the developed area and general neighborhood.

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

The request to the side yard encroachments and a slight reduction to a corner setback are minor deviations to the Walkable Design Standards. The sidewalks provide a safe pathway to the entrances and the parking meets the minimal amount required by the ordinance.



Photo of proposed Lot 1 looking east from Carrollton Avenue.



Photo of proposed Lot 2 looking east from Carrollton Avenue.



Photo of a single-family dwelling south of the site.



Photo of single-family dwellings west of the site.



Photo of a single-family dwelling north of the site.



Photo of an undeveloped lot east of the site.



Photo of the subject site looking south from 34th Street.



Photo of the subject site looking southeast from 34th Street.



Photo of the abutting alley east of the site looking south from 34th Street.



Photo of the sidewalk along 34th Street looking west from the alley.