



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 23, 2025

**Case Number:** 2024-CVR-854 / 2024-CPL-854  
**Property Address:** 5930 Shelby Street  
**Location:** Perry Township, Council District #22  
**Petitioner:** Kathy Clements, by Patrick Rooney  
**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached dwelling structure, with proposed Parcel One with a lot area of 11,467 square feet, a 28.5-foot front setback, a 17.4-foot rear yard setback, and a zero-foot south side yard setback (minimum 24,000-square foot lot area required, 30-foot front setback, 25-foot rear setback and a minimum eight-foot side yard required), and for proposed Parcel Two with a lot area of 22,715 square feet, 29-foot front setback, 16.8-foot rear yard setback, and a zero-foot north side yard setback (minimum 24,000-square foot lot area required, 30-foot front setback, 25-foot rear setback and a minimum eight-foot side yard required).  
Approval of a Subdivision Plat, to be known as Replat of Lot 117 William L. Elders Edgewood Addition, dividing 0.78-acre, into two lots.

**Current Land Use:** Two-family dwelling and accessory structures

**Staff Recommendations:** Approval of the variances and the plat.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner approve and find that the plat, file dated August 21, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.

4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. 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.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

Staff recommends approval of the variances of development standards as provided in the site plan file-dated December 10, 2024. These variances, however, should only be applicable to the existing structure or replacement structure of similar bulk, as the impact of larger and taller structure on these lots would be more impactful. Any demolition or rebuild on these parcels would be required to comply with the development standards at the time.

## **PETITION OVERVIEW**

This 0.784-acre site, zoned D-1, is developed with a two-family dwelling. It is surrounded by a single-family dwelling to the north, the right-of-way of the intersection of Edgewood Avenue North and Shelby Street to the south; single-family dwellings to the east, across Shelby Street; and single-family dwellings to the west, all zoned D-1.

Petition 72-UV3-1 granted a variance of use to permit construction of a two-family dwelling.



**VARIANCES OF DEVELOPMENT STANDARDS**

The request would provide for many variances related to reduced lot area as well as reduced setbacks for both proposed lots. This two-family dwelling was constructed over 50 years ago, presumably in accordance with the development standards in effect at that time because there is no record of variances on this site.

Because of amendments to the Zoning Ordinance during the intervening years, staff believes support of these variances that would legally establish the reduced lot area and reduced setbacks would have minimal impact on the surrounding residential neighborhood and provide an opportunity for home ownership.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1		
<b>Existing Land Use</b>	Two-family dwelling		
<b>Comprehensive Plan</b>	Suburban Neighborhood		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	D-1	Single-family dwelling
	South:	D-1	Right-of-Way
	East:	D-1	Single-family dwellings
	West:	D-1	Single-family dwellings
<b>Thoroughfare Plan</b>			
Shelby Street	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.	
East Edgewood Avenue	Local Street	Existing 54 to 74-foot right-of-way and proposed 50-foot right-of-way.	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	December 10, 2024		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	N/A		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	December 10, 2024		
<b>Findings of Fact (Amended)</b>	N/A		
<b>C-S/D-P Statement</b>	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of one to five dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types (Suburban Neighborhood)*
  - 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.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - 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.
  - Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets
  - 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.

- 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 five 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 (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
  - Duplexes should be architecturally harmonious with adjacent housing.
  - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database

## ZONING HISTORY

**73-UV2-1; 5930-5932 Shelby Street**, requested a variance of use to permit erection of a two-family dwelling, as per plans filed, **granted**.

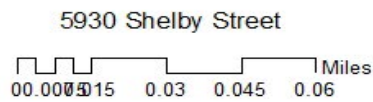
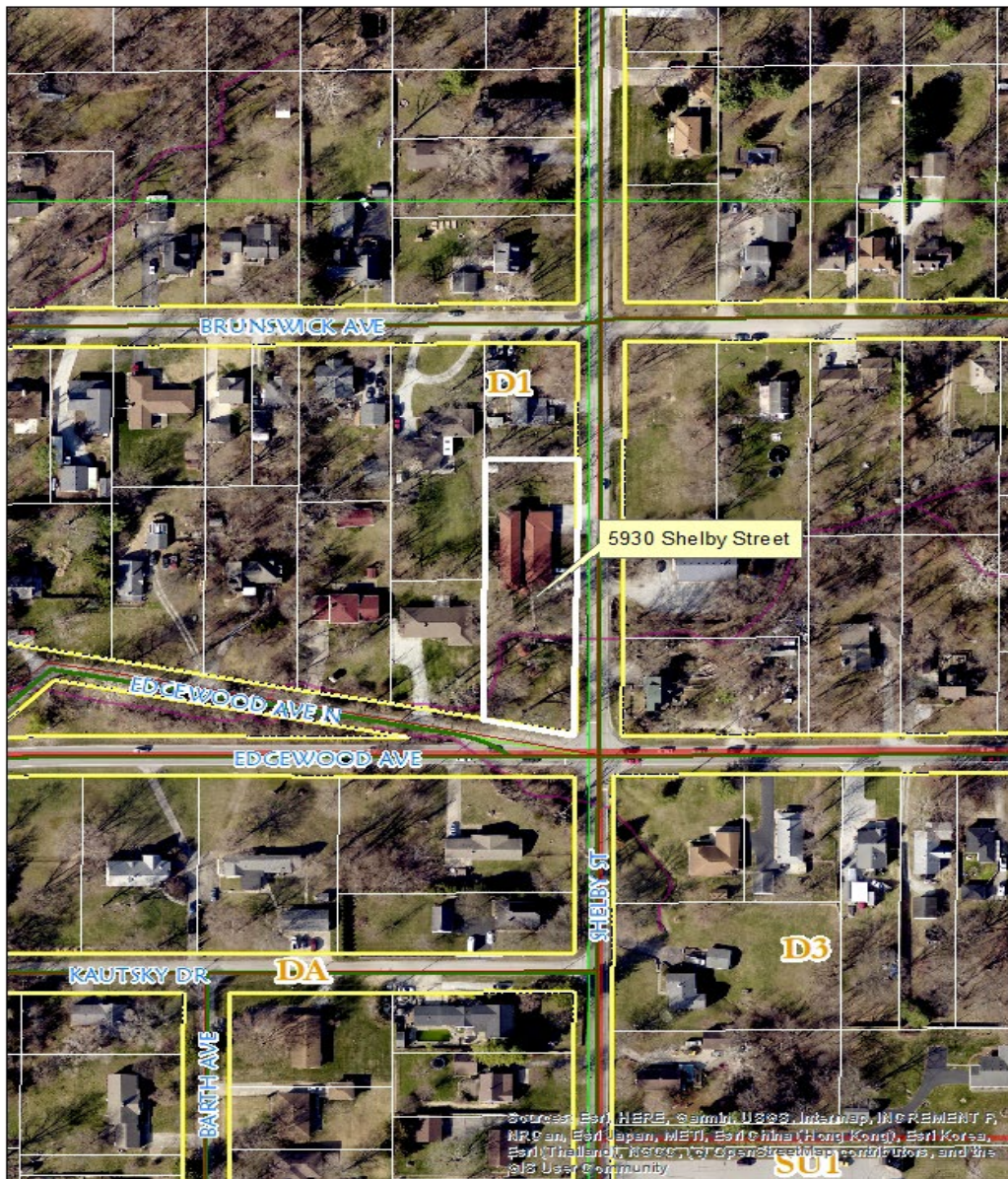
## VICINITY

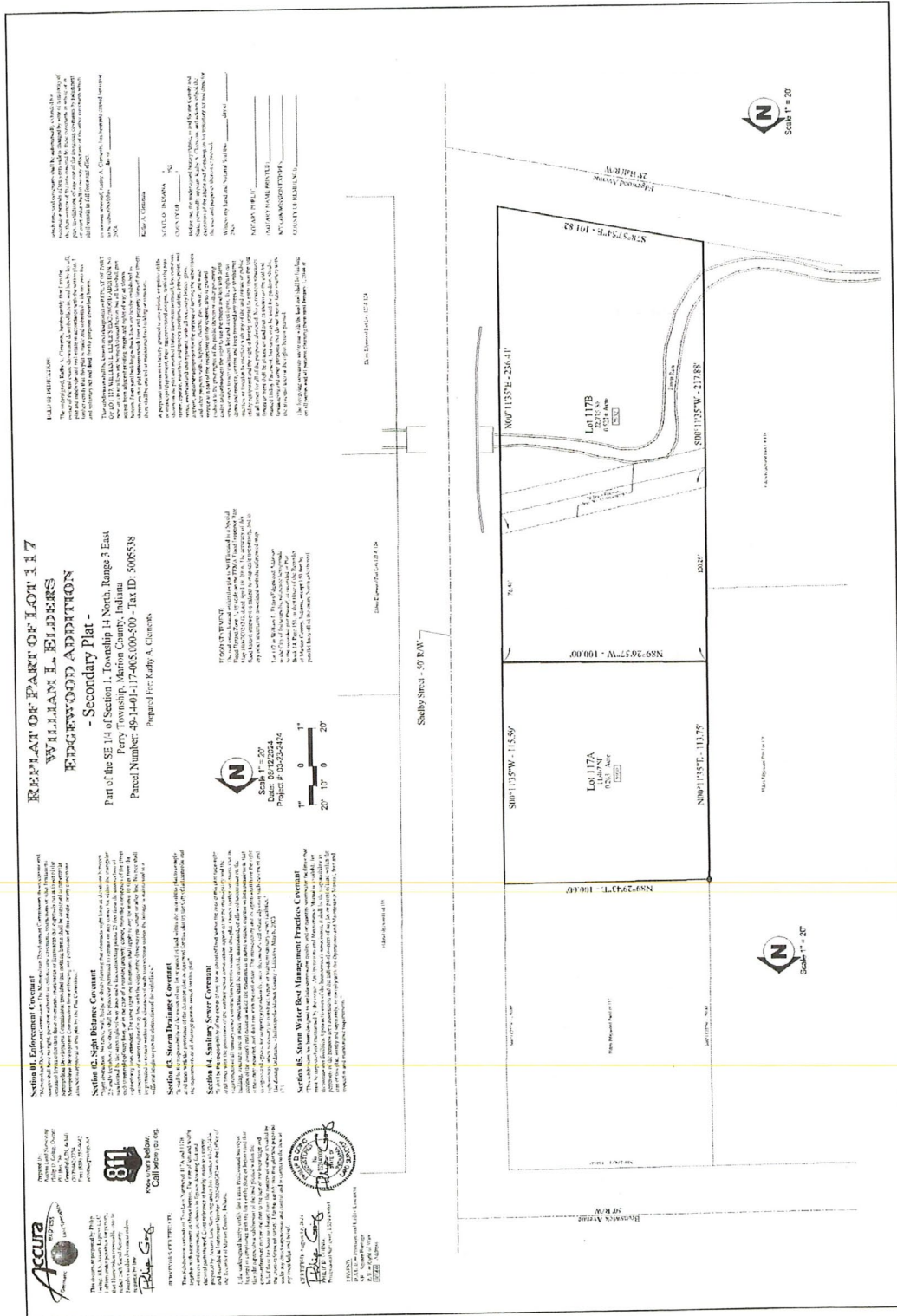
**2013-DV2-026; 1015 East Brunswick Avenue (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for 1,336 square feet of accessory building area or 97.7% of the main floor area of the primary dwelling and to provide for 1,983 square feet of accessory use area or 103% of the total floor area of the primary dwelling, and to legally establish 5.5-foot and 6.5-foot side setbacks for the storage building and shed, respectively, **granted**.

**97-CP-16V / 97CP-16P, 5713 Shelby Street (north of site)**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the subdivision of one lot into two lots for residential development, with 15,000 square feet lots size; and subdivision approval of 0.68 acre into two lots, **granted**.

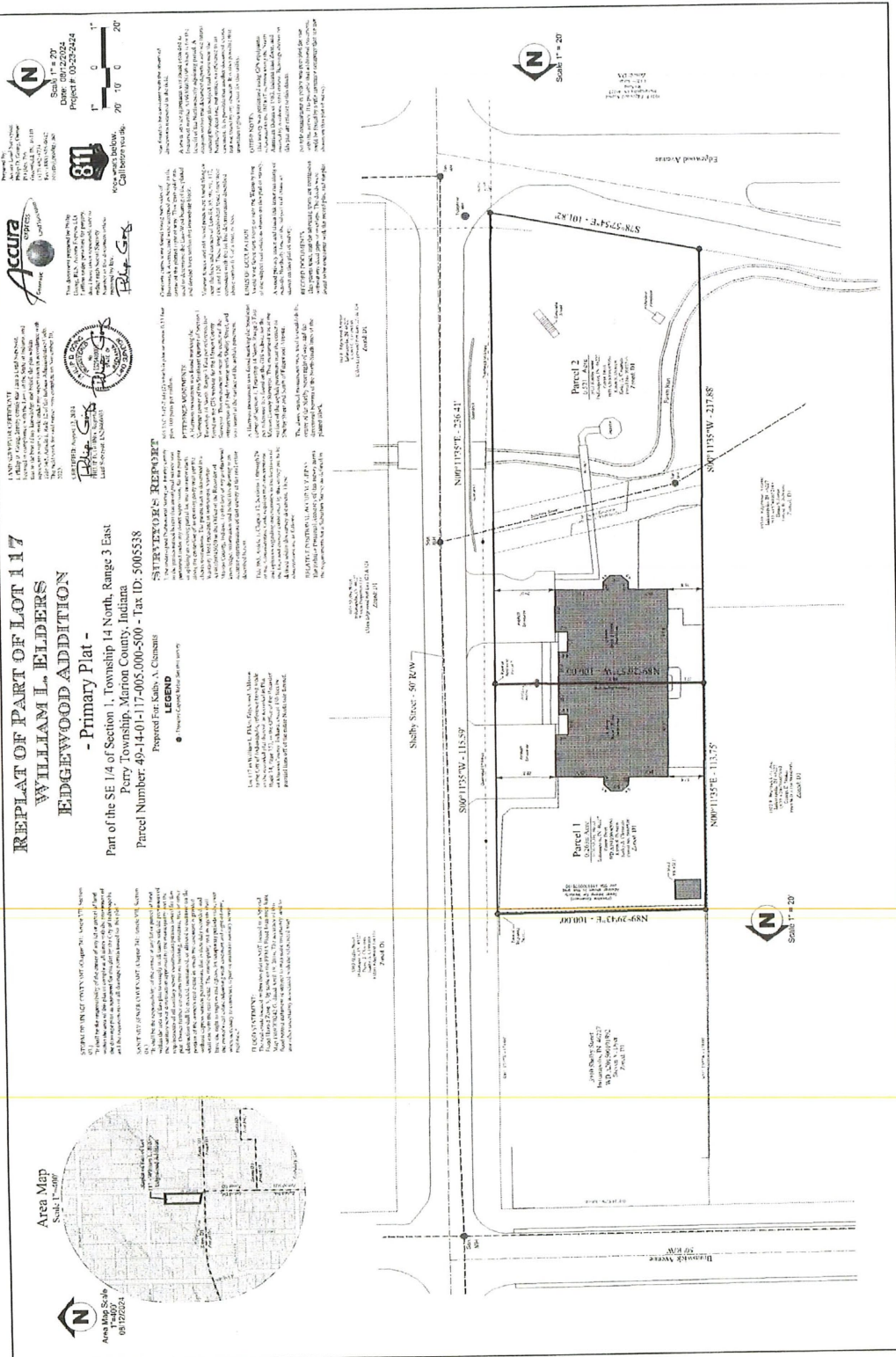
**92-V2-34, 1006 East Edgewood Avenue (west of site)**; requested a variance of development standards of the Dwelling districts Zoning Ordinance to provide for the placement of a chain link fence being six feet in height along Edgewood Avenue, **denied**.

EXHIBITS











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 overall look and use of the property will not change. The structure on the property is currently a duplex, and will remain as such if this variance is granted. The previous owners of the property, obtained a variance allowing the duplex under petition number: 72-UV3-1, and built the duplex that same year. The duplex has been on the property for 52 years, and is only being replatted now to certain circumstances, explained below, that have befallen the current owners/occupants.

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 of the property will not change. The value of the subject property will increase by allowing for the replat, and thus the values of the adjacent properties shall increase.

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

The replat is necessary due to the death of one of two twin sisters that previously owned the property and the divorce of the other remaining owner. Since it is a duplex, there is no side setback and due to the creek, the duplex was not built in the middle of the property so the square footage of the new parcels is not sufficient. To meet current zoning ordinances, the parties would have to demolish the existing duplex and construct two new single family homes which would be very time consuming and costly.

DECISION

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

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

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



View looking south along Shelby Street



View looking north along Shelby Street



View of site looking west across Shelby Street



View of site looking west across Shelby Street



View of site looking west across Shelby Street



View of site looking west across Shelby Street



View from site looking east across Shelby Street