

BOARD OF ZONING APPEALS DIVISION II

December 3rd, 2024

Case Number: 2024-DV1-041
Property Address: 2844 Ruckle Street
Location: Center Township, Council District #12
Petitioner: Mapleton-Fall Creek Development Corporation, by Andrea Townsend
Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a duplex on a 40-foot wide 5,240 square foot lot (minimum 60-foot lot width, area of 7,200 square feet required) with a five-foot corner side yard setback along 29th Street (eight feet required) and a parking area with a one-foot south side yard setback and encroaching within the clear sight triangle of the access drive and alley (five-foot setback required, encroachments not permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **approval** of this variance request.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first public hearing for this variance request.

STAFF RECOMMENDATION

Staff recommends **approval** of this variance request.

PETITION OVERVIEW

- This Variance of Development Standards petition request five (5) items: 1) To allow the lot to be 40 ft lot wide, while the required lot width for a duplex is 60 ft; 2) To allow the lot to be 5,240 sqft in size while the required lot size for a duplex is 7,200 sqft; 3) A five (5) foot corner side yard setback while the required setback for a corner side is eight (8) feet; 4) For the parking to be one (1) foot from the south side yard while the required setback is five (5) feet; 5) Allow parking within a Clear Sight Triangle between the road and the alley.
- This property is currently zoned D-8 and is 0.12 acres.
- With collaboration from the Department of Metropolitan Development, this property, and multiple properties around it were rezoned in 2023 to allow the construction of various duplexes.

- To comply with the Ordinance, the parcel on which the duplex is constructed must be 60 ft in width and 7,200 sqft in size.
- This property was platted sometime around 1915, making it smaller than typical parcels in the modern day. Without the variance, the petitioner could not build the proposed duplex on this property; Staff recommends approval based on the plan being approved after 1959.
- For the corner side yard setback in a D-8 zoning, eight (8) feet between the property line and the available building space of the parcel is required.
- Even with the corner side yard setback set at five (5) feet instead of the required eight (8), the primary building will not be within the clear sight triangle and will not affect neighboring streets or structures.
- The current placement of the parking area for this proposed duplex is one (1) foot from the south property line.
- For a compact D-8 property, the side yard setback must be five (5) feet in size.
- A duplex must have at least two on-site parking locations. This location provides three, and to fit this, it must be moved closer to the south property line to avoid taking a large portion of the clear sight triangle.
- With the current placement of the parking area, a five (5) foot by three (3) foot triangle is within the Clear Sight Triangle, which is not permitted. Though the parking is not a structure, when a vehicle is parked in this location, anyone turning into the alley from 29th Street will have an area of their view partially blocked.
- If all four parcels connected to the alley have duplexes built as planned, traffic become an issue.
- By removing one of the three (3) parking spots and moving the concrete pad slightly north, the proposed location will not need a variance for either the side yard setback or the clear sight triangle encroachment.
- Staff recommends **approval** of this variance petition. Due to the property's age, it is smaller in size and does not provide the necessary space to build a duplex without the use of variances, though the zoning permits the structure. Staff suggests that parking should be reduced from three (3) parking spots to two. However, even the encroachment with the Clear Sight Triangle should not be significant.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	8 - 15 Residential Units per Acre	
Surrounding Context	Zoning	Surrounding Context
	North:	D-5 North: 8-15 Residential Units Per Acre
	South:	PK-1 South: Park
	East:	D-8 East: 8-15 Residential Units Per Acre
	West:	MU-2 West: 8-15 Residential Units Per Acre
Thoroughfare Plan		
Ruckle Street	Local Street	50 ft right-of-way existing and 48 ft right-of-way proposed.
29 th Street	Local Street	

	50 ft right-of-way existing and 48 ft right-of-way proposed.
Context Area	Compact
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	Yes
Site Plan	11/04/2024
Site Plan (Amended)	N/A
Elevations	11/04/2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	11/04/2024
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines
- Mapleton Fall Cree Neighborhood Land Use Plan

Pattern Book / Land Use Plan

- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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. (pg 17-18)

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- LEED for Neighborhood Development, known as LEED-ND, is a program of the United States Green Building Council. It sets energy-efficiency and environmental sustainability standards for development and redevelopment of neighborhoods. The Mapleton-Fall Creek Development Corporation has been working to certify a portion of the neighborhood under LEED-ND. If successful in their certification, Mapleton-Fall Creek will be one of the first existing urban neighborhoods in the nation to receive certification under this rigorous sustainability standard. MFCDC and their design and construction partners intend to use the standards of LEED-ND as a guide for future development so the Mapleton-Fall Creek neighborhood can reap the benefits of green building and smarter neighborhood planning and design. MFCDC is developing a guidebook to be used to evaluating proposed development within the LEED-ND area. The guidebook developed should be considered in any new development within the designated LEED-ND area (Mapleton Fall Creek Neighborhood Land Use Plan pg 18)

- Critical Area #8 Location: Intersection of 30th Street and Central Avenue

Why Critical: This intersection is part of the historic 30th Street commercial corridor where a majority of the parcels are vacant and ready for redevelopment. Any new development should be pedestrian-oriented and suitable for C3C zoning. A portion of this Critical Area is within the Mapleton-Fall Creek LEED-ND area.

Recommendations:

- This commercial use designation would allow for a combination of commercial and residential uses.
- The zoning recommendation for this area is C3C, which allows for upper-floor apartments for commercial use on the street level.
- Types of commercial establishments desired in this area should be neighborhood-oriented and could include:
 - Coffee shops
 - Restaurants
 - Bakery
 - Ice Cream Parlor
 - Neighborhood grocery
 - Offices
- Types of redevelopments that are discouraged include fuel stations, cash/pawn stores, payday loan businesses, car lots, billboards, liquor stores, or drive-through windows.
- Building heights should be proportional to the street width and front setback. However, building heights should be limited to three to four stories, near the intersection and taper lower towards adjoining residential.
- Architectural diversity is encouraged; however monolithic structures (blank walls, minimal fenestration) are not appropriate.
- New development should face Central Avenue and/or 30th Street. Storefront entrances should be located at the front of the building with pedestrian sidewalk access.

- Automobile parking should be located behind primary structures' front building lines, and behind structures entirely if feasible. Shared parking is acceptable between commercial properties. No parking should be placed between sidewalks and the front of buildings.
- Street parking along Central Avenue and 30th Street should be maintained and increased where possible to help parcels with limited parking.
- The public realm between the building setback and the lawn should be enhanced with lighting, landscaping, wide sidewalks, and tree lawns.
- The residential uses adjacent to the designated commercial area remain viable and contributory to the neighborhood. Conversion of these residential parcels to commercial should be discouraged to avoid a conversion creep down Central Avenue or 30th Street and diluting the effectiveness of the intersection.
- The LEED-ND guidebook developed by the Mapleton-Fall Creek Development Corporation should be considered in any new development within their designated LEED-ND area. (see page 17) (Mapleton Fall Creek Neighborhood Land Use Plan pg 28-29)
- Residential Development greater than 8.00 and equal to or less than 15.00 units per acre: This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors (Mapleton Fall Cree Neighborhood Land Use Plan pg 38)

Infill Housing Guidelines

- On conforming corner sites where two streets meet, building setbacks should reflect context from both streets (pg 10).
- New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block (pg 12).

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

- 2023-ZON-022: 2844 Ruckle Street
 - Rezoning of 0.48 acre from the MU-2 district to the D-8 district.
 - Approved

ZONING HISTORY – SURROUNDING SITE

- 2010-VAR-012: 3006 North New Jersey Street
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a front porch addition and steps with a zero-foot setback located within the clear sight triangle of 30th Street and a north-south alley and to provide for a parking lot with a 24-foot front setback from New Jersey Street, a 13-foot setback from 30th Street and a six-foot north side setback (25 and 30-foot front setback required and 15-foot north side setback required).
 - Approved
- 2010-ZON-079: 3006 North New Jersey Street
 - Rezoning of 0.24 acre, from the D-5 District, to the D-8 classification to provide for multifamily development.
 - Approved
- 2011-CVR-823: 710 East 30th Street
 - Variance of development standards of the Commercial Zoning Ordinance to provide for carryout food within two feet of a protected district (100-foot separation required).
 - Approved
- 2013-DV3-018: 3002 Fall Creek Parkway North Drive
 - Variance of development standards of the Commercial Zoning Ordinance to provide for a two-foot east front setback for a parking area along Fall Creek Parkway (10-foot front setback required) and a zero-foot west side setback for an attached garage along a north-south alley (10-foot side setback required).
 - Approved
- 2013-HOV-045: 2902 Washington Boulevard
 - Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 816-square foot (minimum 900-square foot required) single-family dwelling, with 10 and 12-foot front setbacks, from 29th Street and Washington Boulevard, respectively (30-foot front setbacks required), with the proposed front porch being within the clear-sight triangle of Washington Boulevard and 29th Street (not permitted), and creating an open space of 53.9% (minimum 65% open space required).
 - Approved
- 2013-UV1-034: 203 East 30th Street
 - Variance of use of the Dwelling Districts Zoning Ordinance to provide for a carry-out restaurant (not permitted).
 - Approved

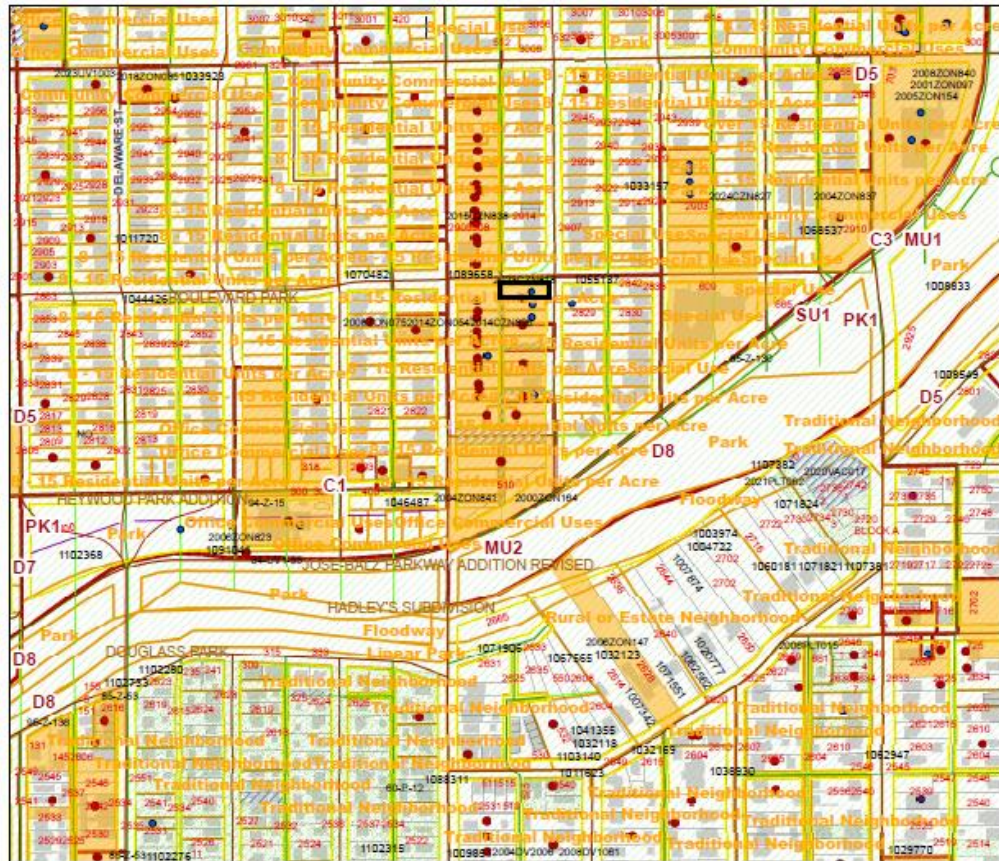
- 2013-ZON-008: 3023 Ruckle Street
 - Rezoning of 1.91 acres, from the D-5 District to the PK-1 classification to provide for park uses.
 - Approved
- 2014-UV2-031: 532 East 30th Street
 - Variance of use of the Dwelling Districts Zoning Ordinance to provide for a rooming house (not permitted, maximum four unrelated persons permitted) for missionaries.
 - Approved
- 2014-ZON-054: 2819 Central Avenue
 - Rezoning of 4.95 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts.
 - Approved
- 2015-CZN-838: 2833 Central Avenue
 - Rezoning of 0.79 acre from the C-1 and C-4 districts to the C-3C district to provide for commercial and residential development.
 - Approved
- 2015-ZON-014: 2936 Central Avenue
 - Rezoning of 0.12 acre, from the C-1 District, to the D-5 classification to provide for single-family residential development.
 - Approved
- 2015-ZON-097: 318 East 28th Street
 - Rezoning of 0.24 acre from the D-5 and C-1 districts to the C-1 classification to provide for an office building.
 - Approved
- 2016-UV2-005: 2801 North Talbott Street
 - Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of two, four-story multi-family buildings (not permitted), containing 47 total units and 32 parking spaces, as follows: Building “A” (2801), a) with a height of 55 feet (maximum 35 feet), b) with a four-foot front setback from 28th Street and a zero-foot front setback from Talbott Street (25-foot front setback required), c) with a parking lot having a zero-foot east side setback and a four-foot front setback from Talbott Street (25-foot front setback four-foot side setback required), and d) with 60% open space (65% open space required). Building “B” (2802), a) with a height of 55 feet (maximum 35 feet), b) with a three-foot setback from 28th Street and a zero-foot setback from Delaware Street (minimum 25-foot front setback from 28th Street and 40-foot front setback from Delaware Street required), c) with a parking lot having a zero-foot west side setback and a zero-foot front setback from Delaware Street and three-foot north side setback, for a three-foot aggregate side setback (40-foot front setback, four-foot side setback and 10-foot aggregate side setback required), and d) with 45% open space (65% open space required).
 - Approved
- 2017-HOV-077: 2945 North New Jersey Street

- Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with six feet between primary dwellings (10-foot separation required).
 - Approved
- 2018-ZON-085: 203 East 30th Street
 - Rezoning of 0.22 acre from the D-5 District to the C-3 classification.
 - Approved
- 2019DV3034: 2927 Central Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-story, 47-foot tall multi-family building (maximum height of 35 feet) with a 9.5-foot front transitional yard (12-foot transitional yard required), a one-foot east side transitional yard and a trash enclosure service area with a zero-foot east side transitional yard without screening from adjoining property (10-foot transitional yard with landscaping and screening required), with 25 parking spaces (36 spaces required) and with less than nine percent interior landscaping (9% required).
 - Approved
- 2019PLT050: 3013 North Park Avenue
 - Approval of a Subdivision Plat, to be known as Oliver Park Avenue Subdivision – A Replat of Lot 97 in Boulevard Square, dividing 0.12 acre into two single-family attached lots.
 - Approved
- 2019ZON019: 2916 Central Avenue
 - Rezoning of 0.12 acre from the C-1 District to the D-5 classification.
 - Approved
- 2019ZON023: 420 East 28th Street
 - Rezoning of 0.08 acre from the C-1 district to the D-8 classification.
 - Approved
- 2020DV1069: 412 East 28th Street
 - Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an attached garage with a 10-foot front setback, eight-foot rear setback, 47% open space and with a slight encroachment within the clear sight triangle (18-foot front setback or average, 20-foot rear setback, 60% open space and structures not permitted within the clear sight triangle).
 - Approved
- 2021DV1023: 2829 North Talbott Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with eight feet between dwellings and a zero-foot south side setback (10-foot separation and three-foot setback required).
 - Approved
- 2021DV2055: 2958 Washington Boulevard
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with zero-foot north and south side setbacks and 35% open space (three-foot side setbacks and 60% open space required).
 - Approved

- 2021DV3028: 2825 Central Avenue
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 50-foot tall, four-story multi-family building with a nine-foot front transitional yard from the right-of-way of Central Avenue and parking with zero-foot east side and transitional side yards without landscaping, and with less interior parking lot landscaping than required (maximum 35-foot height, 12-foot front transitional yard, 15-foot side transitional yard, 10-foot side yard and nine percent interior landscaping required).
 - Approved
- 2021HOV037: 2933 North Talbott Street
 - Variance development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 266-square-foot detached garage resulting in an open space of 58% (60% open space required).
 - Approved
- 2021PLT062: 2738 Sutherland Avenue
 - Approval of a Subdivision Plat, to be known as Rapp Sutherland Addition, dividing 1.583 acres into five lots.
 - Approved
- 2022DV2016: 2932 North New Jersey Street
 - (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family detached dwelling with a nine-foot front setback along New Jersey Street (ten feet required), a five-foot corner side setback along Trenton Street (eight feet required), with a five-foot rear setback (20 feet required), within the clear-sight triangle (not permitted) and with a front-loaded garage (not permitted).
 - Approved
- 2022DV3017: 2826 North New Jersey Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for duplex on a 5,200-square foot, 40-foot wide lot (minimum 7,200 square feet, 60-foot wide lot required for a duplex), with four-foot side setbacks (five feet required) and 45% open space (60% open space required).
 - Approved
- 2022UV2003: 2802 Central Avenue Suite #A
 - Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a dog grooming business (not permitted).
 - Approved
- 2023CZN818: 2810 Ruckle Street
 - Rezoning of 0.48 acre from the MU-2 district to the D-8 district.
 - Approved
- 2023UV1003: 2962 North Delaware Street
 - Variance of use of the Consolidated Zoning and Subdivision Ordinance to allow for a triplex within an existing building (not permitted).
 - Approved
- 2023ZON077: 2958 North College Avenue

- Rezoning of 0.218 acre from the D-5 district to the MU-2 district to provide for a mixed-use development.
 - Approved
- 2024CZN827: 2923 North Park Avenue
 - Rezoning of 0.124-acre from the D-5 district to the PK-1 district for park uses.
 - Approved
- 2024DV2038: 2959 Ruckle Street
 - Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multi-unit house on each lot, with a 25-foot front building line (maximum 19.9 feet permitted), with a five-foot corner side yard setback (eight-feet required) and walking paths with a 0.5-foot side yard setbacks (two-feet required) and parking areas with zero-foot side yard setbacks (five-feet required).
 - Continued
- 2024-Dv3-031: 7031 East 86th Street
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for installation of three skyline signs on the north façade (one skyline sign per elevation permitted).
 - Scheduled for hearing

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- Zoning/Vacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY

CCGIS.STREETS

- Built/Platted
- OPER_STATUS
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: Area map around 2844 Ruckle Street.



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 grant will not be injurious because the location of duplex will not encroach on any right-of-way or the clear sight triangular area.
Planned height is 27'9" with a traditional sloped roof. There is no overhang of the side wall of the home.
See attached plans.

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 or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the requested use and appearance of the duplex fits in with the traditional feel of the Mapleton Fall Creek 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 strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because an 8' side setback would reduce the width of the planned duplex by 3', from 30' to 27', which will reduce the space available within the home.

Exhibit 2: Findings of Fact submitted for this variance petition.



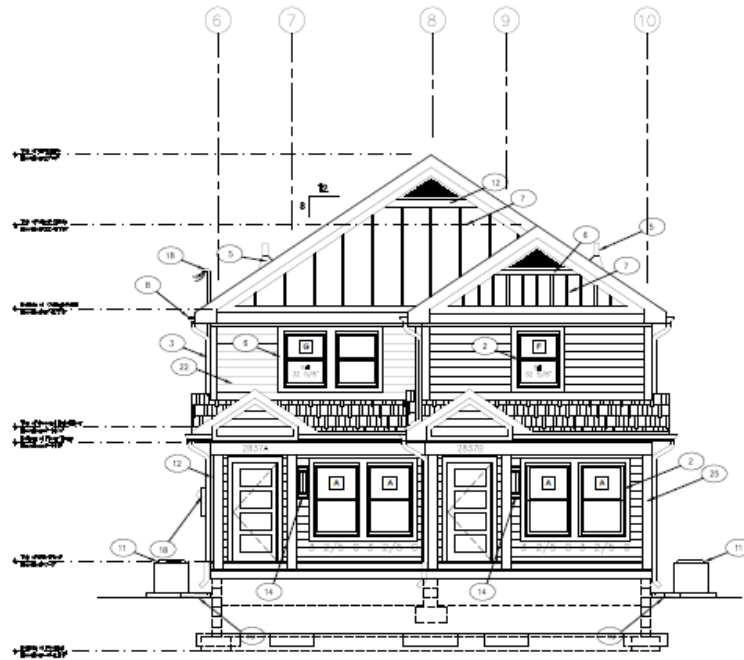
Exhibit 3: Site plan for 2844 Ruckle Street.



Exhibit 4: North side elevation for the proposed duplex.

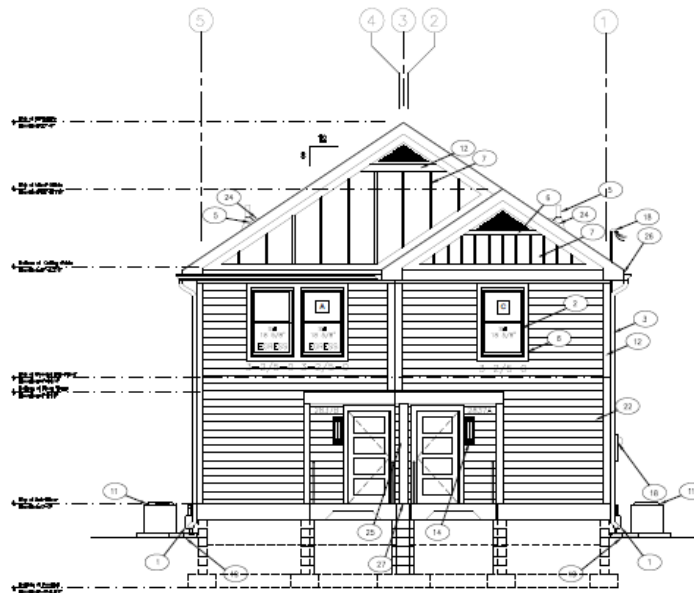


Exhibit 5: South side elevation for the proposed duplex.



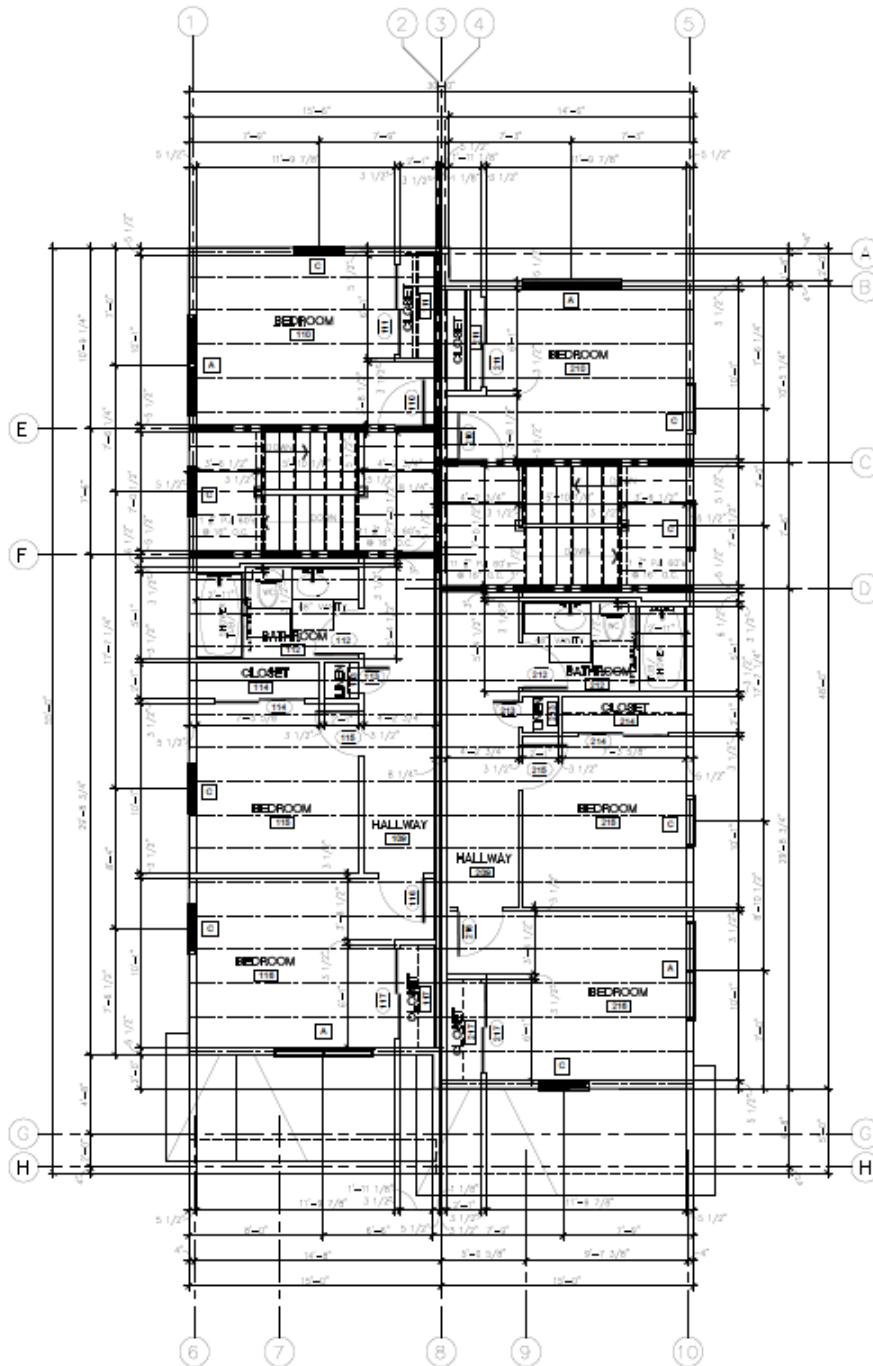
1 FRONT EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

Exhibit 6: Front elevation of the proposed duplex that faces east.



2 REAR EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

Exhibit 7: Rear elevation of the proposed duplex that faces west.



2 SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

Exhibit 9: Second level floor plan of the proposed duplex.