



**BOARD OF ZONING APPEALS DIVISION I**

**December 3, 2024**

**Case Number:** 2024-UV1-029  
**Address:** 1629 North Rural Street (approximate address)  
**Location:** Center Township, Council District #13  
**Zoning:** MU-1  
**Petitioner:** Indy Rental Homes 360 III LLC, by Andrew Harrill  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing detached garage into a third dwelling (not permitted).

**Current Land Use:** Two-family dwelling

**Staff Recommendation:** Staff recommends approval of this petition, subject to the recommended commitments.

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition, subject to the following commitment:

The variance grant shall be subject to Administrator’s Approval of the final elevations, to include at a minimum, the primary entrance facing East 17<sup>th</sup> Street, and the addition of primary entry features.

**PETITION OVERVIEW**

- ◇ The subject site was originally developed as a duplex, and at some point, one of the dwelling units appears to have been converted to a commercial store front. It is not known if the commercial store front is still operating or not.
- ◇ The proposed use would be similar to a triplex development, which would be allowed in the MU-1 district, in regard to traffic, noise, and intensity of use. Staff is requesting a commitment for Administrator’s Approval of the elevations for the third unit, so that the primary entrance is facing East 17th Street, and the addition of primary entry features are provided.
- ◇ The subject site is adjacent to other residential developed properties in the MU-1 and D-5 Districts. In Staff’s opinion, the request would be consistent with surrounding residential properties.

## GENERAL INFORMATION

<b>Existing Zoning</b>	MU-1	
<b>Existing Land Use</b>	Two-family dwelling	
<b>Comprehensive Plan</b>	Recommends Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: MU-1	Multi-Family dwelling
	South: MU-1	Single-Family dwelling
	East: D-5	Single-Family dwelling
	West: D-5	Two-Family dwelling
<b>Thoroughfare Plan</b>		
North Rural Street	Primary Arterial	65-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact area	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	November 4, 2024	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	November 4, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

### Pattern Book / Land Use Plan

- The Pattern Book recommends the Traditional Neighborhood typology which 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.

### 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)

- Not Applicable to the Site.

### ZONING HISTORY

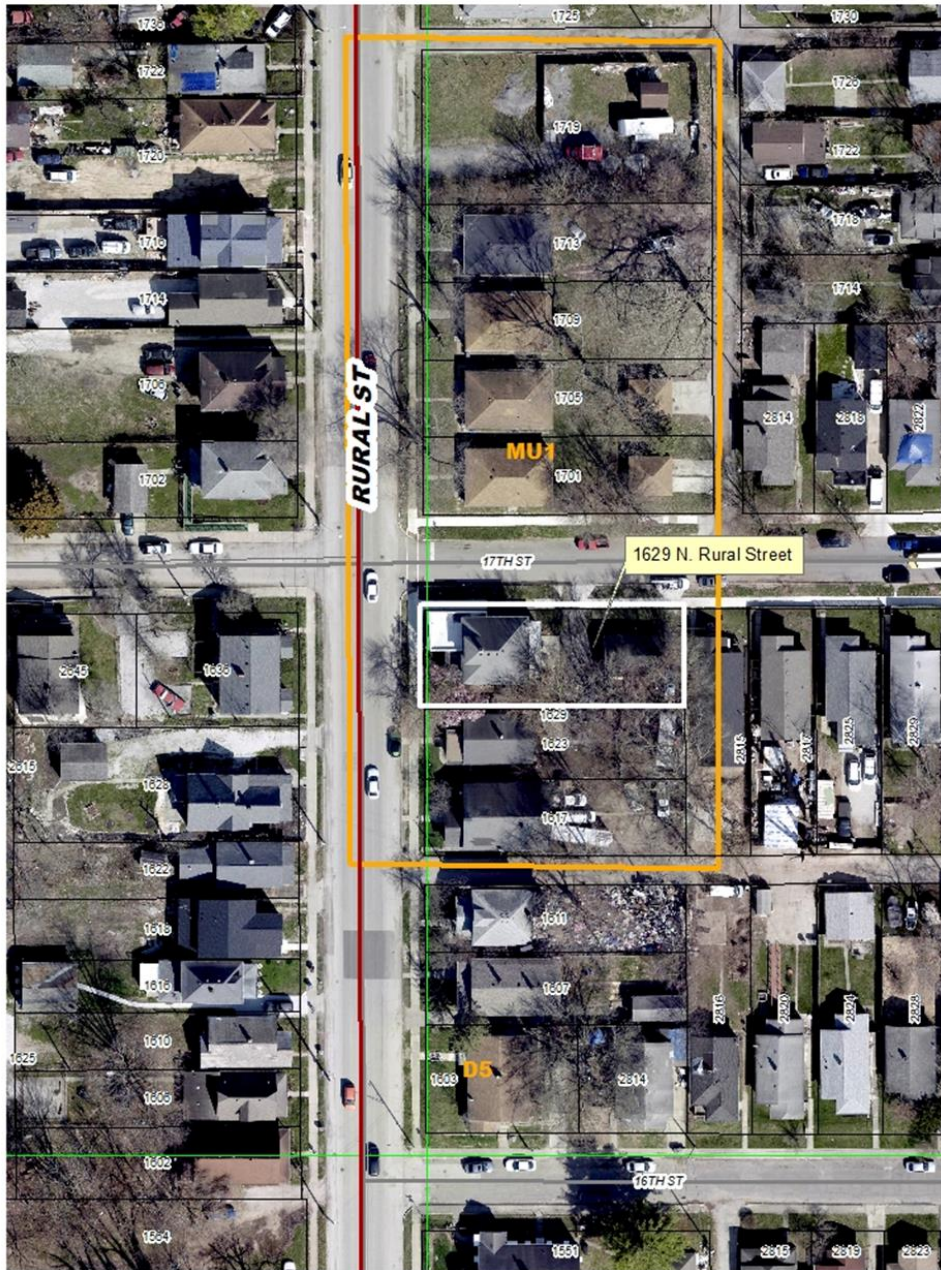
**95-UV1-54; 1629 N. Rural Street (subject site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for an exterior staircase being 2 feet from 17th Street, **granted**.

RU

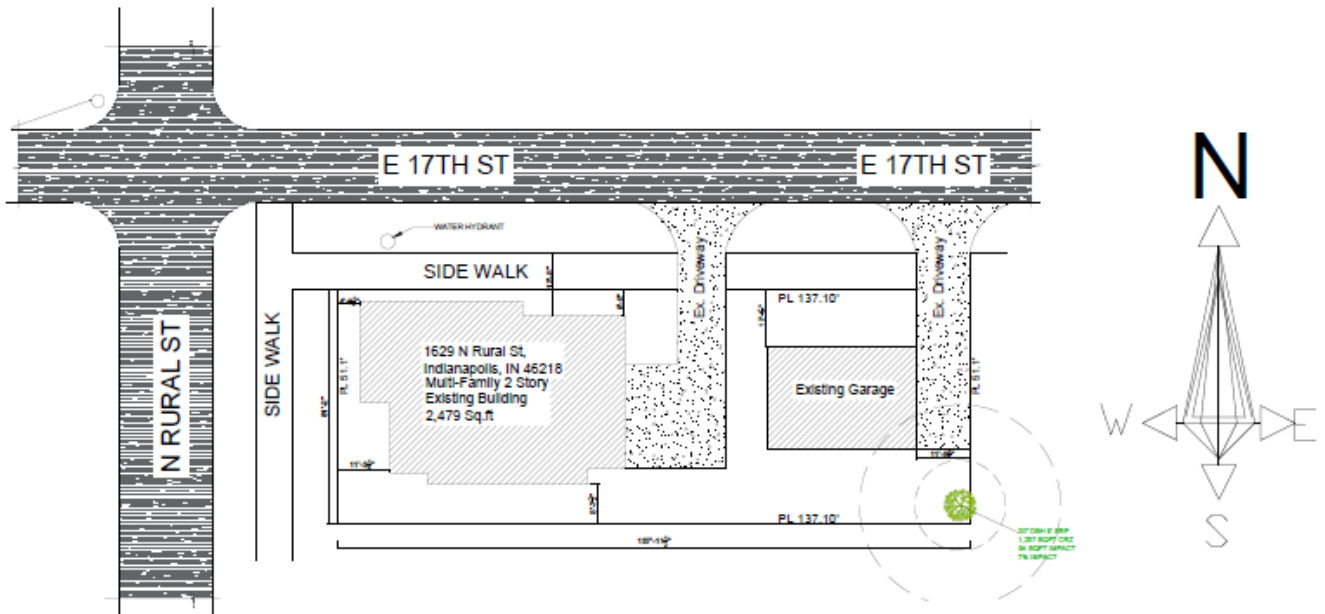
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**EXHIBITS**

Location Map



**Site Plan**







**Findings of Fact**

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 variance will allow us to convert an old, underutilized garage into a modern accessory dwelling unit (ADU), improving the neighborhood's aesthetics and providing additional housing. The structure will inherit existing safety measures from the garage and be reinforced to meet modern living standards, ensuring it is suitable as a dwelling. A dedicated driveway for the new unit will facilitate access, minimizing any disruption. The additional dwelling will align with the character of the area and enhance welfare by providing more housing options without compromising safety or community standards.

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 garage conversion will improve the overall look and value of the property, contributing positively to the neighborhood. No neighboring properties or businesses will be adversely affected. In fact, the immediate neighbor has expressed support and enthusiasm for the project. By transforming the existing structure into a modern, well-designed ADU, the project will align with neighborhood improvements, benefiting surrounding properties.

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

The duplex on this property was built under a previous zoning designation that allowed for such a structure. However, at some point, the zoning changed to MU-1 (Mixed Use), and while the existing duplex is now grandfathered in, the new zoning rules prevent the addition of an accessory dwelling unit (ADU). If the property were zoned D5 or D6 (residential zoning) and used as a single-family home, the ADU would be permitted without needing a variance. This change in zoning has created an obstacle, and we are requesting a variance to allow us to convert the existing garage into a functional ADU that adds value to the property and aligns with the neighborhood's evolving needs.

**Photographs**



Photo 1 - Subject property duplex looking east.



Photo 2 - Subject property existing garage being converted into a third dwelling, looking southeast.





Photo 3 – Adjacent properties to the south, looking east.



Photo 4- Adjacent property to the east, and subject site setback, looking south.