

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-001
Address: 801 Shelby Street (approximate address)
Location: Center Township, Council District #17
Zoning: C-5 / D-5 (TOD)
Petitioner: RCA Properties LLC, by Paul J. Lambie
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

APPEAL BEFORE THE METROPOLITAN DEVELOPMENT COMMISSION, APRIL 5, 2023

On March 14, 2023, this petition was heard by Division II of the Board of Zoning Appeals and approved by a 3-2 vote.

While Staff recommended approval of the request, and continues to do so, the Administrator of the Division of Planning determined that an appeal would be appropriate given that remonstrators were unaware of a parking agreement between the petitioner and the Calvary Tabernacle Church, and that the agreement was submitted to Staff after the publication of the report. This agreement allows users of the subject site to use 20 parking spaces within the Churches surface lot between the hours of 6AM and 6PM, Monday through Saturday.

In addition, Staff misinterpreted information conveyed on a Sanborn Fire Insurance Map. Staff believed that the map in question reflected conditions as of 1915, however, it represented conditions between 1915 and 1950.

Readily available Assessor's Office records, being the property card and parcel detail history form do not indicate the initial year of construction. However, a Church with a similar footprint appears on the 1927 Baist Map (See Exhibit A), and a remonstrator provided an Indianapolis Star Article (See Exhibit B) from October 17th, 1925 that indicates construction would begin the following day. Both dates are after the implantation of zoning in 1922.

Staff reviewed the zoning of the subject site as it was in both 1922 and 1932 (See Exhibit C). These records indicate that the property was zoned U3 – Business, and within Height Area One and lot Area Five. This zoning class permitted the construction of religious use facilities; however, it did not contain a parking requirement. For these reasons, and those outlined below, Staff continues to **recommend approval** of this request.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

March 14, 2023

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-5	Compact	Vacant church undergoing remodeling for office uses
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SURROUNDING ZONING AND LAND USE

North	C-5	Auto dealership
South	C-5	Two-family dwelling
East	D-5	Single-family residential
West	C-5 & D-5	Single-family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development.
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SECONDARY OVERLAY	Transit-Oriented Development (TOD)
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- ◇ This 0.2-acre lot, zoned C-5 and D-5 is currently improved with a three-story former church, which is currently undergoing remodeling for office use. According to Sanborn Maps, the existing structure has been existing since at least 1915; predating the implementation of zoning in Indianapolis in 1922.
- ◇ North of the subject site is an auto dealership, within the C-5 District. South of the subject site is a two-family dwelling, also within the C-5 District. Directly to the east are single-family dwellings, within the D-5 District. To the west are single-family dwellings within the C-5 and D-5 Districts.
- ◇ The C-5 District is intended for general commercial uses which are intended to attract regional consumers whose uses are often characterized by heavy automotive traffic and outdoor display, sales and operations. Uses that begin to be permitted by-right within the C-5 District include: Outdoor Recreation and Entertainment; various research and development uses; and Automobile Sales and Rental.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would allow for the conversion of a 15,000-square foot former church for office uses, with eight required parking spaces where 29 are required.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

- ◇ Per Section 744-401.C, whenever a building undergoes a change of use, the required parking spaces and areas for the new use must be provided, with limited exceptions. Staff has determined that these exceptions are reliant on the presence of an existing on-site parking area, which the subject site does not possess, therefore is ineligible and requiring the filing of a variance.
- ◇ An office building of this size would typically require 42 parking spaces, two of which are required to be ADA compliant parking spaces. However, Section 744-403 allows for reductions, up to 35%, of this requirement based on criteria such as proximity to public transportation and the amount of non-required bicycle parking provided on-site. All parking related calculations are rounded down.
- ◇ Sites located within ¼-mile of a transit stop improved with a shelter are eligible for a 30% reduction of the minimum required parking. An inbound and outbound transit station for the Red Line are located northwest of the intersection of Virginia Avenue and Woodlawn Avenue, within 975 (.185 mile) feet of the subject site. This proximity reduces the amount of required parking to 29 spaces.
- ◇ The petitioner has indicated a willingness to provide ten non-required bicycle parking spaces for an additional reduction of two spaces, which would reach the 35% reduction cap of required parking permitted by the Ordinance. If provided, these spaces must be located within 50 feet of public entryways to the building.
- ◇ Per Section 740-306.B, on-street parking spaces within the Compact Context Area, located parallel to a sites front lot lines, may be counted towards the minimum off-street parking requirement. A total of eight on-street parking spaces along Shelby Street and Lexington Avenue meet these criteria.
- ◇ A portion of the subject site is undeveloped (see Photo Six below). However, Staff believes that promoting development of this part of the site would be inappropriate as it would push commercial activity upon the property directly to the east, require the removal of existing trees, encroach upon HVAC units and utility connections, necessitate additional variances, and result in a substandard parking area with minimal additional spaces provided. In addition, this would require a curb cut in close proximity to the irregular intersection of Lexington Avenue and Shelby Street, characterized by a 45-degree angle change of Lexington Avenue west of Shelby Street.
- ◇ While Staff is generally hesitant to recommend approval of such drastic reductions of parking, Staff would highlight the fact that the original church was built prior to the implementation of zoning in Indianapolis, and therefore was not required to provide parking. In addition, the petitioner is willing to utilize all reductions afforded by the Ordinance. Given these factors and the fact that any change of use for the existing building would require a variance filing of similar deviation, Staff believes there to be a clear practical difficulty associated with the site and subsequently recommends approval of this request.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Shelby Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 60 feet.

This portion of Lexington Avenue is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana, with an existing and proposed right-of-way of 60 feet.

SITE PLAN

File-dated January 18, 2023.

FINDINGS OF FACT

File-dated January 18, 2023.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2022-UV2-002; 1035 Elm Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, fourteen unit medium apartment building (not permitted in D-8) with a four-foot front building setback (6.5-foot setback required), a 1.5-foot rear setback (ten-foot setback required), a Floor Area Ratio of 1.31 (maximum of 0.60 permitted) and a Livability Space Ratio of 0.17 (minimum 0.66 ratio required); **denied**.

2021-DV2-003; 1012 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory garage with a two-foot east side setback and 52% open space; **granted**.

2021-DV3-010; 1020 Elm Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for additions to an existing single-family dwelling and detached garage, with a one-foot north side dwelling setback, 2.5-foot south side dwelling setback, three-foot side garage setbacks, three-foot and five-foot separation between dwellings, an open space of 40%; granted.

2021-DV1-033; 834 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage accessory to a single-family dwelling with 45% open space (65% open space required); **granted**.

2020-DV3-013; 1031 Elm Street; requests Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage attached by a breezeway to an existing single-family dwelling with an eight-foot front setback, 2.75-foot north side setback, 2.75 feet between primary dwellings, a five-foot rear setback and 34% open space; **granted**.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2020-DV1-075; 1132 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage, with eight feet between dwellings; **granted.**

2019-DV1-052; 1131 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating an open space of 50%; **denied.**

2018-HOV-003; 1033 Hosbrook Street; requests a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with an eight-foot front setback and 5.5 feet and 9.5 feet between dwellings; **granted.**

2018-HOV-076; 1005 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with a nine-foot front setback, 1.5-foot and two-foot side setbacks, three feet between dwellings, a 3.5-foot rear setback and 40% open space; **granted.**

2018-HOV-013; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a one-foot front setback, a garage with 1.5-foot side setbacks and with a 34% open space; **granted.**

2018-DV3-050; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling with a five-foot front setback and a 49% open space, with a detached garage; **granted.**

2018-DV2-012; 822 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling, with a 15.75-foot front setback and a detached garage with 48% open space and three feet between dwellings, and with the garage in the clear sight triangle of the abutting alleys; **granted.**

2018-DV1-037; 1007 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling, and detached garage, with a one-foot side setback, two feet between dwellings, an eight-foot front setback, a two-foot rear setback for a detached garage, and 40% open space; **granted.**

2018-DV1-038; 1152 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling with an eight-foot front setback and three feet between dwellings, creating 54% open space; **granted.**

2018-DV1-037; 1007 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling, and detached garage, with a one-foot side setbacks, two feet between primary dwellings, an eight-foot front setback, a two-foot rear setback for a detached garage, and 40% open space; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2018-DV3-050; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling with a five-foot front setback and a 49% open space, with a detached garage; **granted.**

2018-UV1-001; 828 Shelby Street; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes; **denied by BZA, appealed to MDC and approved.**

2018-UV3-001; 828 Shelby Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes, within the clear sight triangle of the abutting streets, with a three-foot front setback from Shelby Street, a five-foot front setback from elm Street and a three-foot side setback; **denied by BZA, appealed to the MDC and approved.**

2017-HOV-095; 818 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a one-foot front setback, a 1.5-foot north side setback, 3.5 feet between buildings, a 17-foot rear setback, 44% open space, and being within the clear sight triangle of the abutting dwellings, with 55% open space, and with zero parking spaces; **granted.**

2017-HOV-032; 830 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating 53% open space, and to legally establish the separation between primary dwelling, per plans filed; **granted.**

2017-HOV-009; 1151 Hoyt Avenue; requests a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a deck and detached garage, creating an open space of 50%; **granted.**

2017-HOV-008; 1055 Elm Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second-story addition to an existing single-family dwelling, with four feet and seven feet side setbacks; **granted.**

2017-UV2-019; 1108 Lexington Avenue; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential development, with a 35-foot tall, two-family dwelling, and a 24-foot tall detached garage, with both having three-foot side setbacks, and with the garage having a six-foot rear setback; **granted.**

2017-DV1-024; 1143 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage within the clear sight triangle of the abutting alley, creating 47% open space, and to legally establish a single-family dwelling, with a zero-foot front setback, a 1.5-foot west side setback and a three-foot and five-foot separation between dwellings, and with a fence within the front yard and right-of-way; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2016-DV2-012; 939 Elm Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling, with the expansion of the first floor, a cantilevered second story addition, a deck and a porch, with a one-foot front setback, 0.5-foot northwest and southeast side setbacks, and a five-foot separation from an existing dwelling, and to legally establish garage, with a 1.5-foot southeast side and rear setbacks, to legally establish an open space of 28%, and to legally establish structures within the clear sight triangles along Elm Street and the abutting alleys; **granted.**

2016-UV2-006; 968 Lexington Avenue; requests variance of use and development standards of the Dwelling Districts zoning Ordinance to provide for the construction of an approximately, 26-foot tall, two-story garage, with an upstairs dwelling unit; **granted.**

2015-HOV-001; 958 Lexington Avenue; requests a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 352-square foot detached garage, with a two-foot side setback and a four-foot aggregate side setback, creating an open space of 47.8%; **granted.**

2013-DV3-026; 955 Hosbrook Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 975-square foot, two-story single-family dwelling, a) with a main floor area of 625 square feet, b) with a 267-square foot attached one-car garage, c) creating an open space of 43%, d) a zero-foot front setback, a one-foot rear setback and three-foot side yards; **granted.**

2013-UV2-003; 1055 Elm Street; requests variance of use to legally establish a single-family dwelling; **granted.**

2013-HOV-066; 806 Grove Avenue; requests a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the reestablishment of a single-family dwelling, by removing a connection addition to 973 Elm Street, with a 3.8-foot side yard, an 8.9-foot aggregate side yard, a 0.7-foot rear yard, a 12.2-foot front yard and an open space of 39.6%; **granted.**

2012-HOV-053; 970 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a 10-foot front setback from Grove Avenue, located in front of the established building line of the primary dwelling; **granted.**

2011-HOV-016; 1059 Elm Street; requests variance of use to legally establish a single-family dwelling; **granted.**

2011-HOV-010; 1044 Elm Street; requests variance of use and development standards of the Commercial Zoning Ordinance to provide for a 288-square foot garage addition and 48-square foot front porch addition and to legally establish a 15-foot front setback for the existing dwelling; **granted.**

2007-ZON-836 / 2007-VAR-863 / 2007-VAC-836; 1029 Fletcher Avenue and 718 Shelby Street; requests a rezoning of 1.073 acres from D-5, C-1, C-3C, and C-5 to C-S to provide for C-1 uses, warehouse/indoor storage associated with an office use, and an outdoor garden/nursery, a variance of development standards to legally establish and provide for deficient setbacks and deficient number of off-street parking spaces, and a vacation of Grove Avenue; **granted and approved.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2007-DV3-050; 946 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a single-family dwelling with a ten-foot rear setback, resulting in a lot open space ratio of 49%; **withdrawn.**

2005-ZON-115; 944 Elm Street; rezoning of 0.09 acre, being in the PK-1 District, to the D-8 classification to legally establish residential uses; **approved.**

2004-UV1-018A; 1021 Lexington Avenue; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a 2,590-square foot, three-unit, multi-family dwelling; **denied.**

2004-DV2-059; 1049 Elm Street; requests variance of development standards of the Dwelling Districts zoning Ordinance to provide for a 440-square foot garage with a 3.5-foot northwest and southeast side yard setbacks and a seven-foot aggregate side yard setback, resulting in a lot open space of 50.2%; **granted.**

2003-ZON-096; 1049 Elm Street; requests rezoning of 0.45 acre from the C-5 to the D-8 District, to provide for a single-family dwelling; **approved.**

2003-VAR-810 / 2003-VAC-810; 1049 Elm Street; variance of use to legally establish a single-family dwelling and to vacate a portion of an alley; **granted and approved.**

2002-UV1-024; 904 Shelby Street; requests variance of use of the Commercial Ordinance to provide for a three-unit multi-family residential building; **granted.**

2001-ZON-827; 901 Shelby Street, 1109, 1113, 1117, 1121, 1125 and 1132 East Pleasant Street, and 1118 and 1122 Woodlawn Avenue; requests a rezoning of 1.8 acres being in the C-5 and D-5 Districts, to the SU-38 classification to provide for the expansion of a community center into a proposed three story, 30,000 square foot building; **approved.**

98-UV1-111; 1129 and 1131 Pleasant Street; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish four dwelling units within a two-story residential structure, and to provide for two exterior staircases located with a side yard setback of zero feet on both the east and west sides of the building, and to provide for a total of four off-street parking spaces; **granted.**

97-UV2-75; 1129 and 1131 Pleasant Street; requests variance of use and development standards of the Dwelling districts Zoning Ordinance to provide for the conversion of a two-family residence into six dwelling units; **denied.**

95-Z-203; Multiple addresses including 1007 Lexington Avenue; requests rezoning of one acre being in the C-5 District, to the D-5 classification to conform the zoning classification to its use; **approved.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

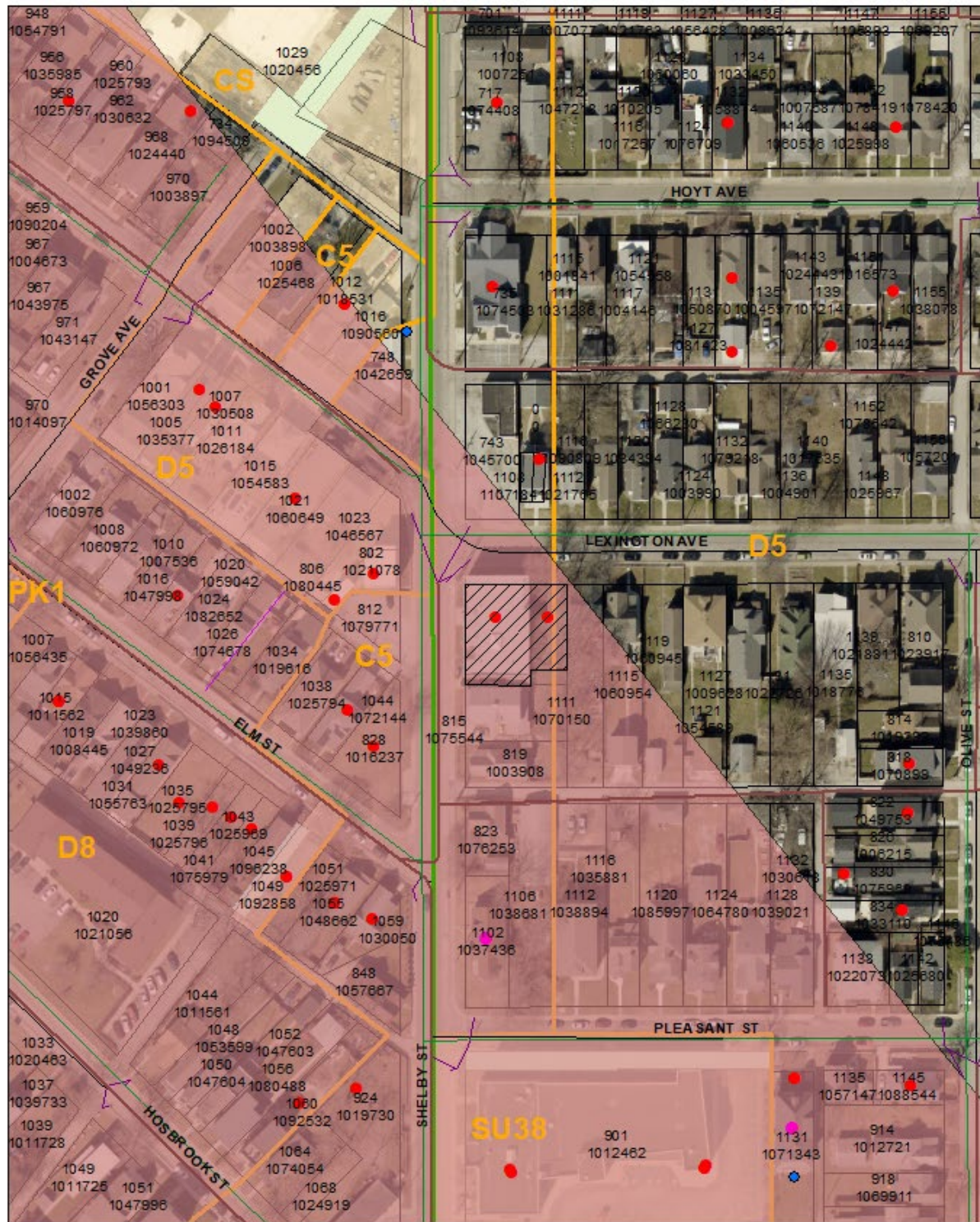
94-V2-67; 1015 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 572 square foot detached garage, with side yard setbacks of 2 and 3 feet, and an open space of 45%; **granted.**

93-V2-28; 1015 Elm Street; requests variance of development standards to permit the construction of a detached garage with a side yard setback of 2 feet and an aggregate of 5 feet, resulting in an open space of 45%; **denied.**

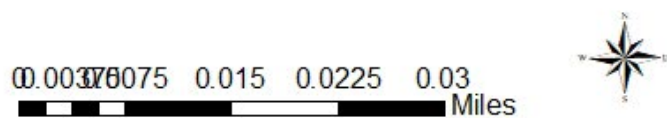
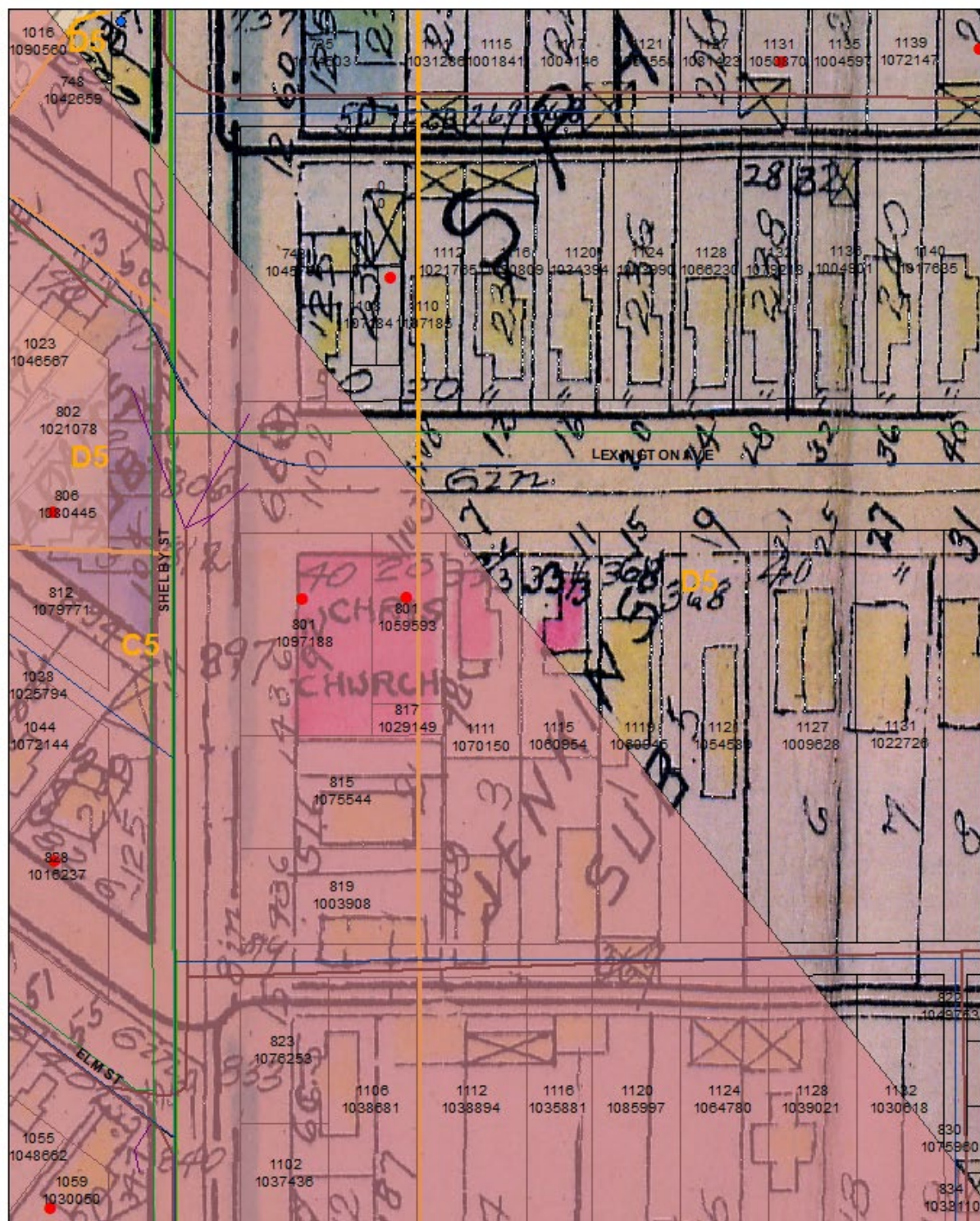
83-V3-73; 1145 Pleasant Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to allow an existing detached shed to remain in a front yard at zero feet from the right-of-way line; **granted.**

EDH

2023-DV2-001; Location Map



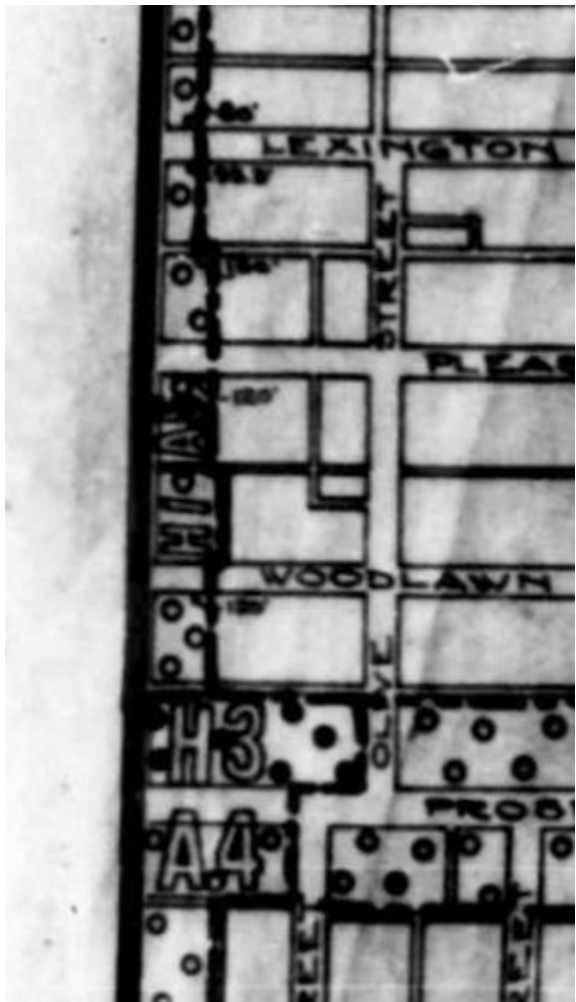
2023-DV2-001; Exhibit A: 1927 Baist Map



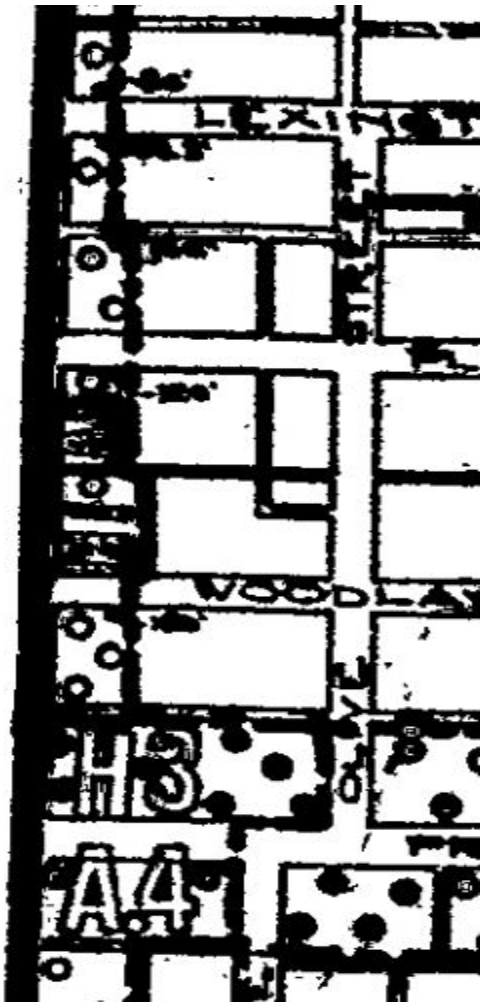
CHURCH WILL LAY STONE TOMORROW

The corner stone of the new **Fountain Square Christian Church**, formerly the South Side Christian Church, which is to be constructed at Shelby street and Lexington avenue, will be laid tomorrow evening, it has been announced by the Rev. U. S. Johnson, pastor, who will be in charge of the service.

The new auditorium, which will be the first unit of the church to be built, will be erected at a cost of approximately \$45,000. The church building will be a two-story structure, ninety-two feet wide and sixty feet deep. It will be built of brick veneer of Gothic architecture. The auditorium will have a seating capacity of 1,000, including a balcony. A Bible schoolroom will be built adjoining the auditorium. According to plans the building will be completed and dedicated shortly after the first of the year.



1922 Zoning Map



1932 Zoning Map

CITY PLAN COMMISSION	
H.B. STEEG; SECRETARY - ENG.	
ZONE MAP DESIGNATIONS	
USE DISTRICTS	
	U1-DWELLING HOUSE
	U2-APARTMENT HOUSE
	U3-BUSINESS
	U4-FIRST INDUSTRIAL
	U5-SECOND INDUSTRIAL
AREA DISTRICTS	
	A1-7500 SQ. FT. PER FAMILY
	A2-4800 SQ. FT. PER FAMILY
	A3-2400 SQ. FT. PER FAMILY
	A4-1200 SQ. FT. PER FAMILY
	A5-600 SQ. FT. PER FAMILY
	A6-UNLIMITED
HEIGHT DISTRICTS	
	H1-50' HEIGHT LIMIT
	H2-80' HEIGHT LIMIT
	H3-108' HEIGHT LIMIT
	H4-180' HEIGHT LIMIT
DISTRICT BOUNDARIES	
CORPORATION LINE	

Legend, Applies for Both Maps

2023-DV2-001; 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 proposed renovation of the existing church building into office space will result in a lower parking requirement than that of the previous religious use.

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 renovation of the existing church building into office space will result in a lower parking requirement than that of the previous religious use.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
there would be no flexibility to re-use the building that was constructed prior to the adoption of zoning ordinance provisions requiring off-street parking.

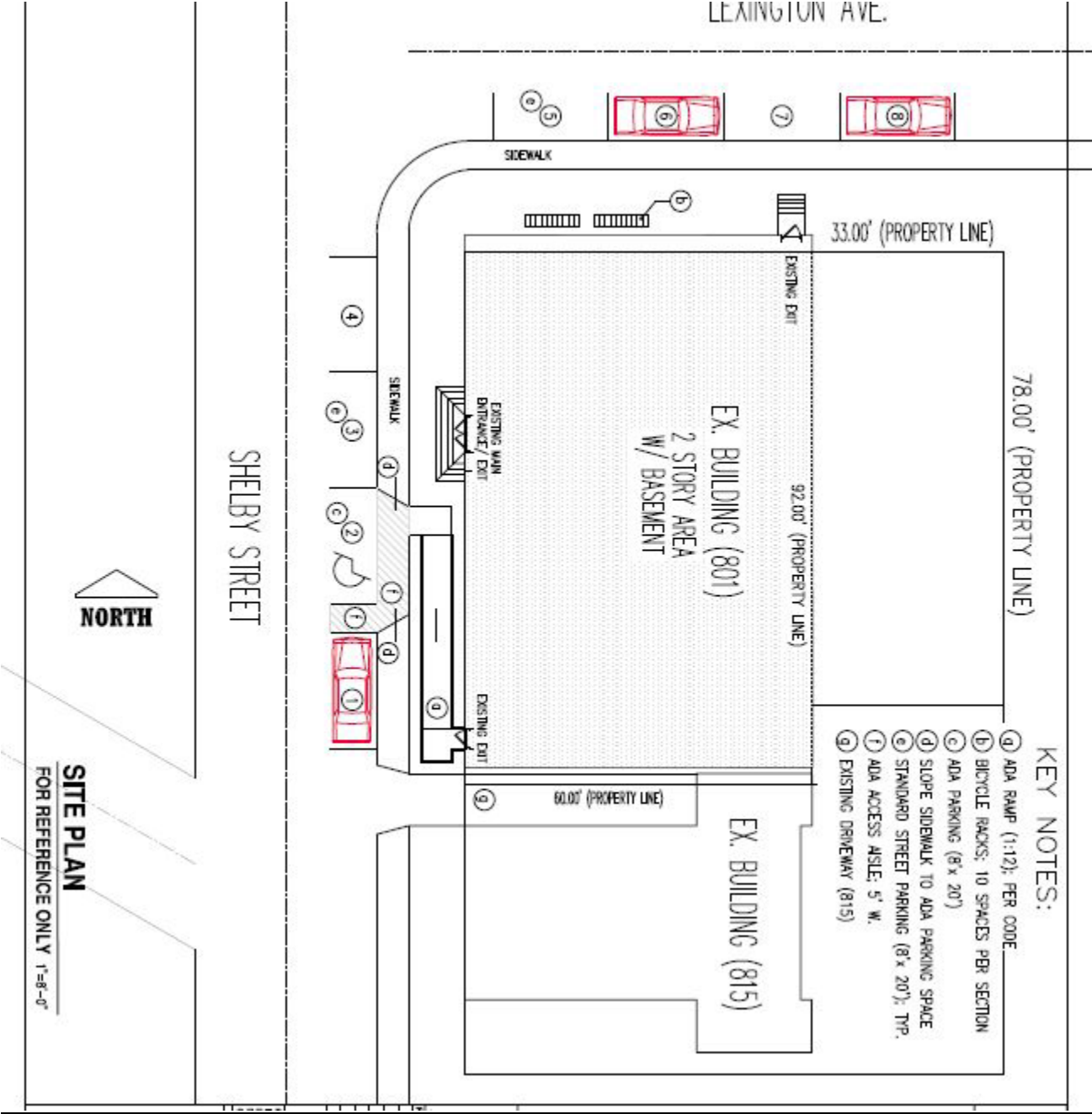
DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____

2023-DV2-001; Amended Site Plan



2023-DV2-001; Photographs



Photo One: Looking South along Shelby Street



Photo Two: Looking North along Shelby Street



Photo Three: Facing East along Lexington Avenue



Photo Four: Facing West Across Shelby Street



Photo Five: Existing Two-Family Dwelling South of Subject Site



Photo Six: Undeveloped Portion of Subject Site and Existing Dwelling to the East