



BOARD OF ZONING APPEALS DIVISION III

December 17, 2024

Case Number: 2024-DV3-039
Address: 2806 & 2802 Washington Boulevard (approximate address)
Location: Center Township, Council District #12
Zoning: D-5
Petitioner: IGS Holdings LLC, by Mark Young
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of two four-unit apartments with a 27-foot front yard setback from Washington Boulevard (maximum 19.9-foot setback permitted) and a 5.8-foot corner side yard setback from 28th Street (eight feet required).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends approval of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas and provide for a continuous pattern of development through the block.
- ◇ The increased 27-foot front setback is a result of a permitting requirement to provide for onsite stormwater storage in the form of a rain garden in the front yard. The increased front setback, would also provide for greater clear sight triangle visibility in this instance, being on a corner intersection with East 28th Street.
- ◇ The reduced side setback of 5.8 feet would be in addition to seven feet of right of way between the parcel and the sidewalk, providing for an adequate side yard separation from the right-of-way and having no negative impact on adjacent properties or visibility. Therefore, this request for a reduced side setback would be a minimal deviation from the Ordinance in Staff's opinion.

- ◇ Generally, Staff supports property improvements if their location and characteristics do not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this particular variance request, and additionally that no public safety or health risks would come from the grant of this variance.

GENERAL INFORMATION

| | | |
|-----------------------------------|------------------------------|---|
| Existing Zoning | D-5 | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | 8-15 Dwelling units per acre | |
| Surrounding Context | Zoning | Surrounding Context |
| | North: D-5 | Single-Family dwelling |
| | South: PK-1 | Park |
| | East: C-1 | Office parking lot |
| | West: D-5 | Single-Family dwellings |
| Thoroughfare Plan | | |
| Washington Boulevard | Primary Arterial | 56-foot existing and proposed right-of-way. |
| Context Area | Compact area | |
| Floodway / Floodway Fringe | No | |
| Overlay | N/A | |
| Wellfield Protection Area | No | |
| Site Plan - updated | December 11, 2024 | |
| Elevations | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | November 4, 2024 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 8-15 dwelling units per acre for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends 8-15 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

2016-UV2-005; 2801 North Talbott Street and 2802 North Delaware Street (west of site), requested a 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, **granted**.

2010-ZON-027; 2860 North Talbott Street (northwest of site), requested a rezoning from D-5 (RC), C-1(RC) to PK-1 to provide for park and recreational uses, **approved**.

2008-HOV-027; 115 east 28th Street (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a single-family dwelling, **granted**.

2006-ZON-823 / 2006-VAR-823; 300 East Fall Creek Parkway North Drive (south of site), requested a rezoning of 2.69 acres, from the PK-1 District, to the C-1 classification to provide for an off-street parking lot, and a variance of development standards of the Commercial Zoning Ordinance to provide for a family restaurant use, with a 576-square foot outdoor seating area, with six parking spaces with a 1.2-foot setback along Fall Creek Parkway North Drive, and to provide for two parking spaces with a 4.1-foot setback along Washington Boulevard, **approved**.

2003-DV2-031; 2901 and 2905 North Talbott Street (northwest of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an attached single-family dwelling on a lot with a 23.32-foot lot width and street frontage, a zero-foot south side yard setback resulting in a 5.3-foot aggregate side yard setback, and to provide for an attached single-family dwelling on a second lot with a 16.55-foot lot width, a zero-foot south front yard setback, a north side yard setback of zero-feet side yard setback and with sixty-percent lot open space, **granted**.

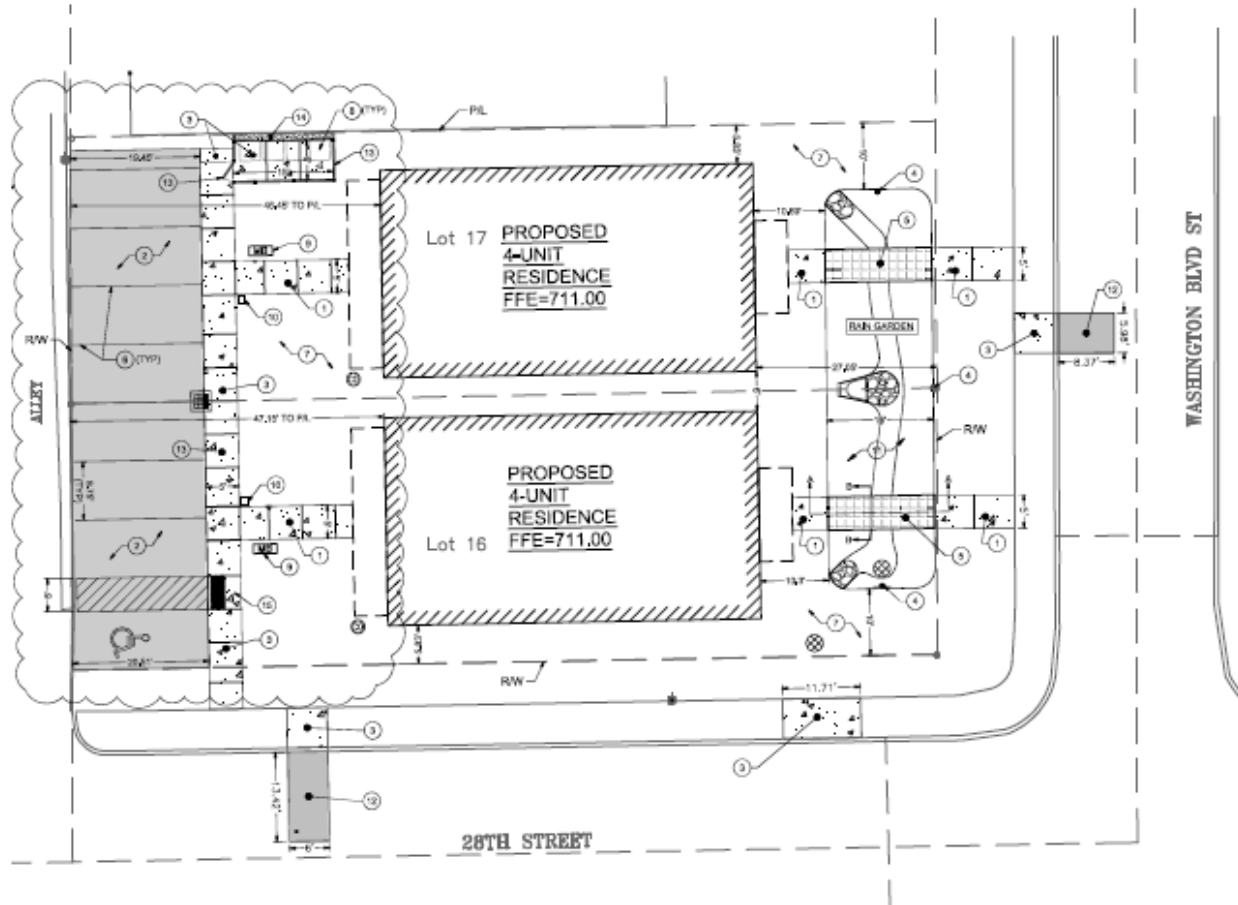
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EXHIBITS

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 development of a four unit building on the vacant site will not be injurious to the public health, safety, moral or general welfare of the community because the petitioner is only seeking relief from a corner lot setback requirement. All other development standards will be adhered to.

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 development is allowed current by right. Petitioner is developing units on currently vacant land and the use and value of the adjacent properties will not be affected in an adverse manner.

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

The proposed stormwater network design on this project is only barley able to meet Indianapolis and CEG guidelines for drainage and connecting to the combined sewer for this type of project. Specifically, onsite stormwater storage is required to meet release requirements. A surface storage option is the only feasible gravity solution available and the rain garden must be located nearest to the curb inlet on 28th Street to provide a suitable stormwater connection. The shallow nature of this existing storm structure and the freeboard requirements for onsite stormwater design have limited the size an location of the rain garden to where it is currently shown on the plans. Since the rain garden can not be made any deeper due to the outflow inverts required, there is no feasible way to move the buildings eastward without encroaching into the maintenance easement.

Photographs



Photo of 2802 parcel subject site, looking west.



Photo of 2806 parcel subject site, looking west.



Photo of adjacent dwelling to the north, looking west



Photo of adjacent dwellings to the west, looking east.